From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:18 AM
To: briana.correll@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

started 19 hours ago, katie doering (0 replies)

[redacted]

Gender Identity

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10. Hi Julia, Here are some resources that... Paula Purcell, MEd, BSN, RN, CDDN
11. Hi, this can be tricky, especially in this day... Claire Molner, MEd, NCSN, RN, BS, AASN
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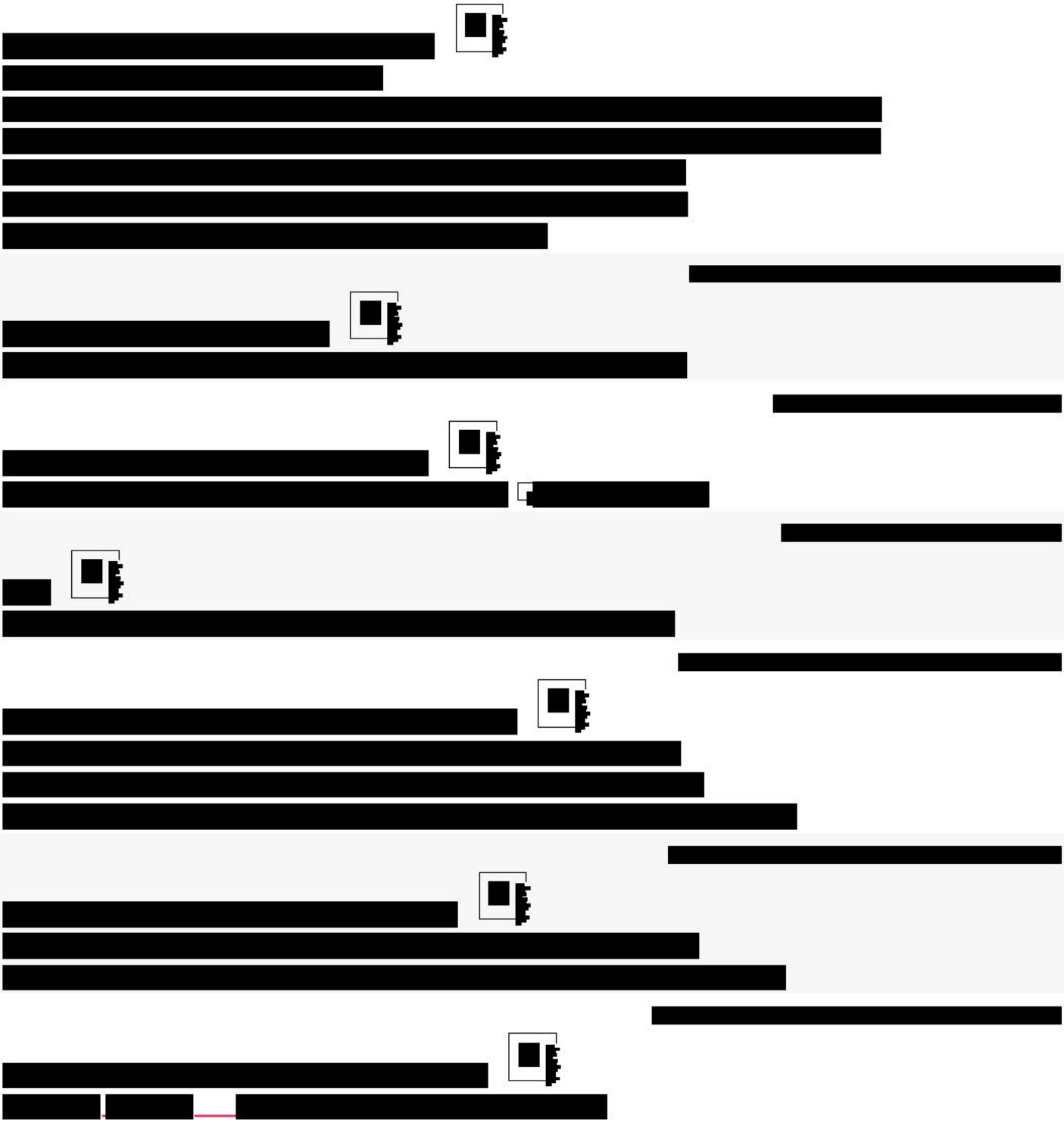

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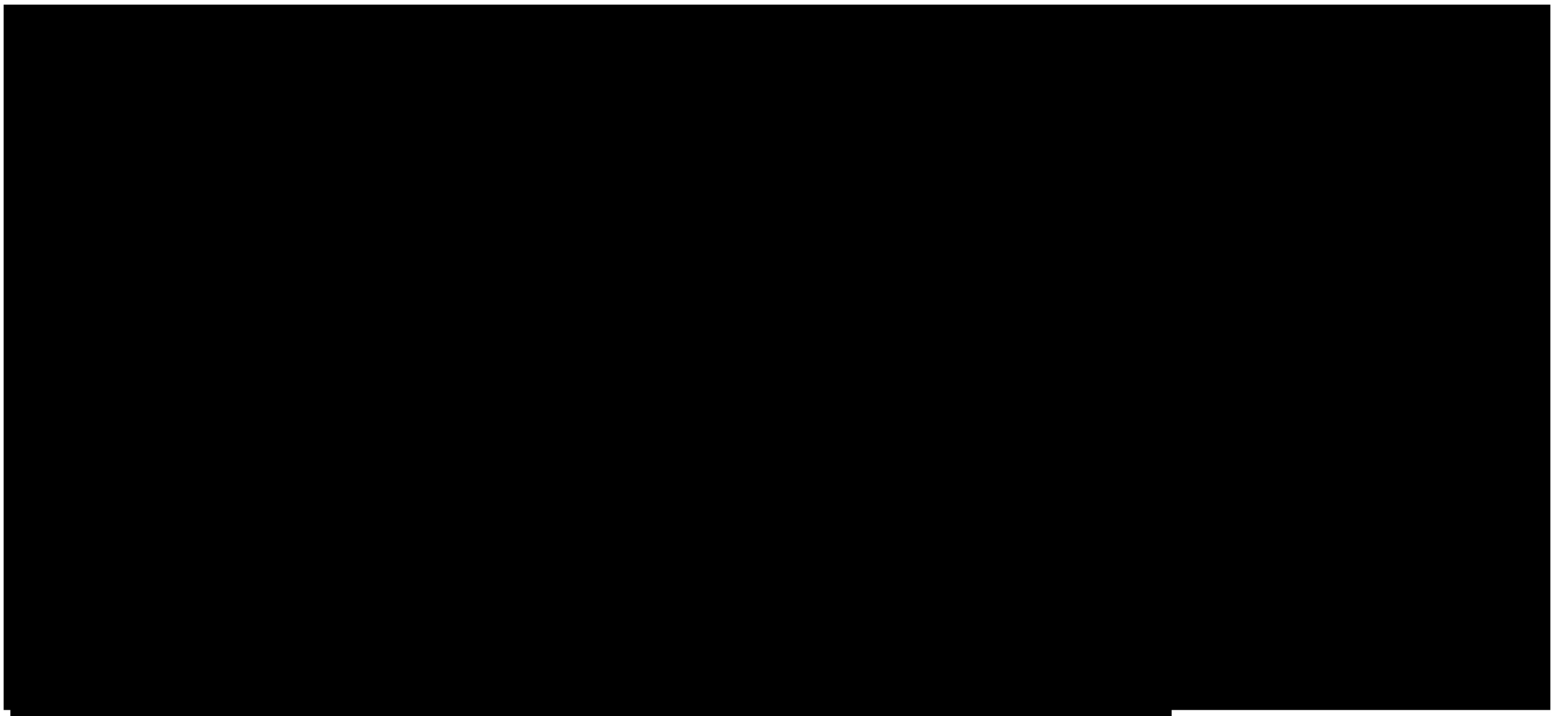

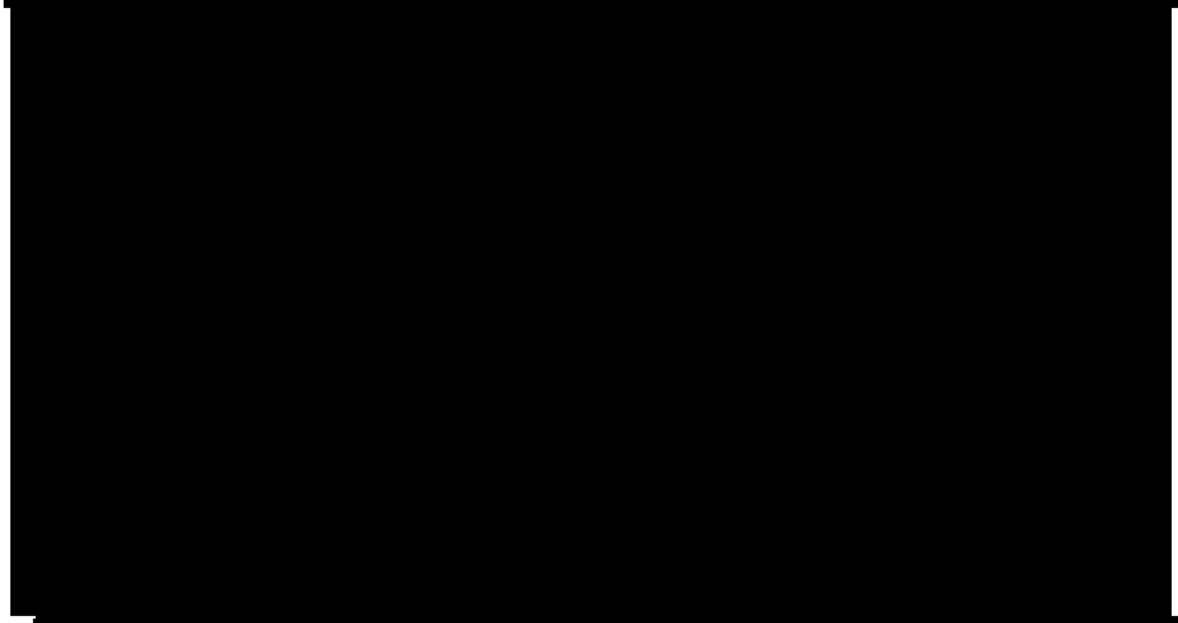

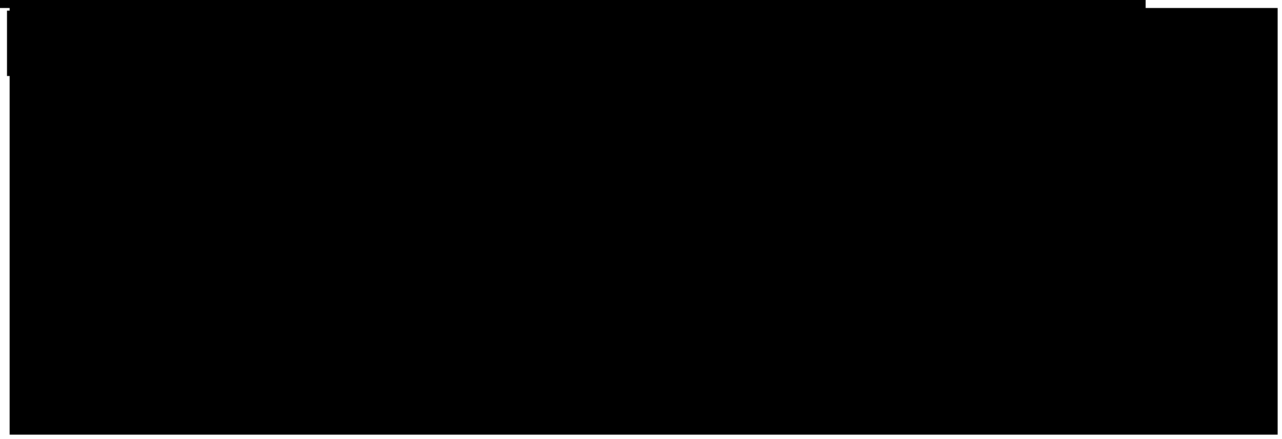













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Reply to Group Reply to Sender

[redacted] Mar 13, 2023 8:24 AM
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Good luck!

Sincerely,

Heather

Heather Boyd RN, BSN
Lincoln Akerman School
Hampton Falls, NH United States

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MA United States
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Mar 13, 2023 8:43 AM
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learn.nasn.org/courses/47755

Good Luck!

Tracy

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Southport High School
Indianapolis, Indiana USA

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Mar 13, 2023 9:22 AM
Paula Purcell, MEd, BSN, RN, CDDN

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2. Safe Schools Program for LGBTQ Students website, including links to request free training/technical assistance:
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4. Family Equality's Book Nook, a comprehensive list of the best LGBTQ+ books for the whole family, you may find something here:Family Equality's "Book Nook"

5. Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment:
www.doe.mass.edu/sfs/lgbtq/genderidentity.html

6. Massachusetts Transgender Political Coalition
www.masstpc.org/mission-values

Paula Purcell M.Ed, BSN, RN, CDDN
School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

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MA United States
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Mar 13, 2023 12:46 PM
Claire Molner, MEd, NCSN, RN, BS, AASN



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[Claire [Molner] [RN NCSN]

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MA United States
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Mar 13, 2023 1:07 PM
Kat Goodell, ADN-RN, ASN



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https://amaze.org/

Kat Goodell ADN-RN, ASN
Westminster Schools
Westminster, VT United States

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Mar 13, 2023 1:45 PM
Suzanne Seldess, MA-Ed



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San Diego, CA United States

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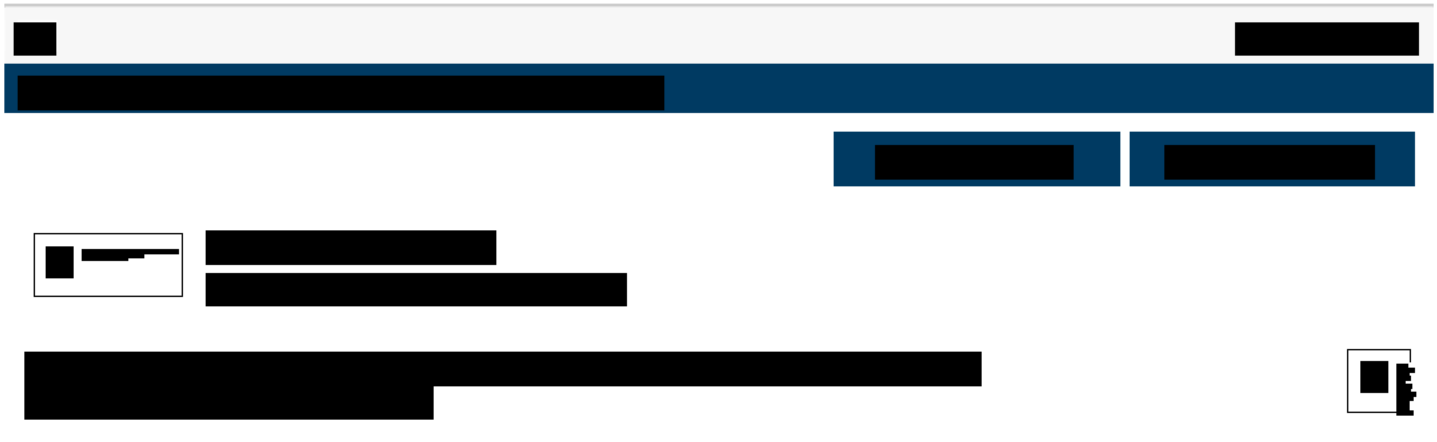

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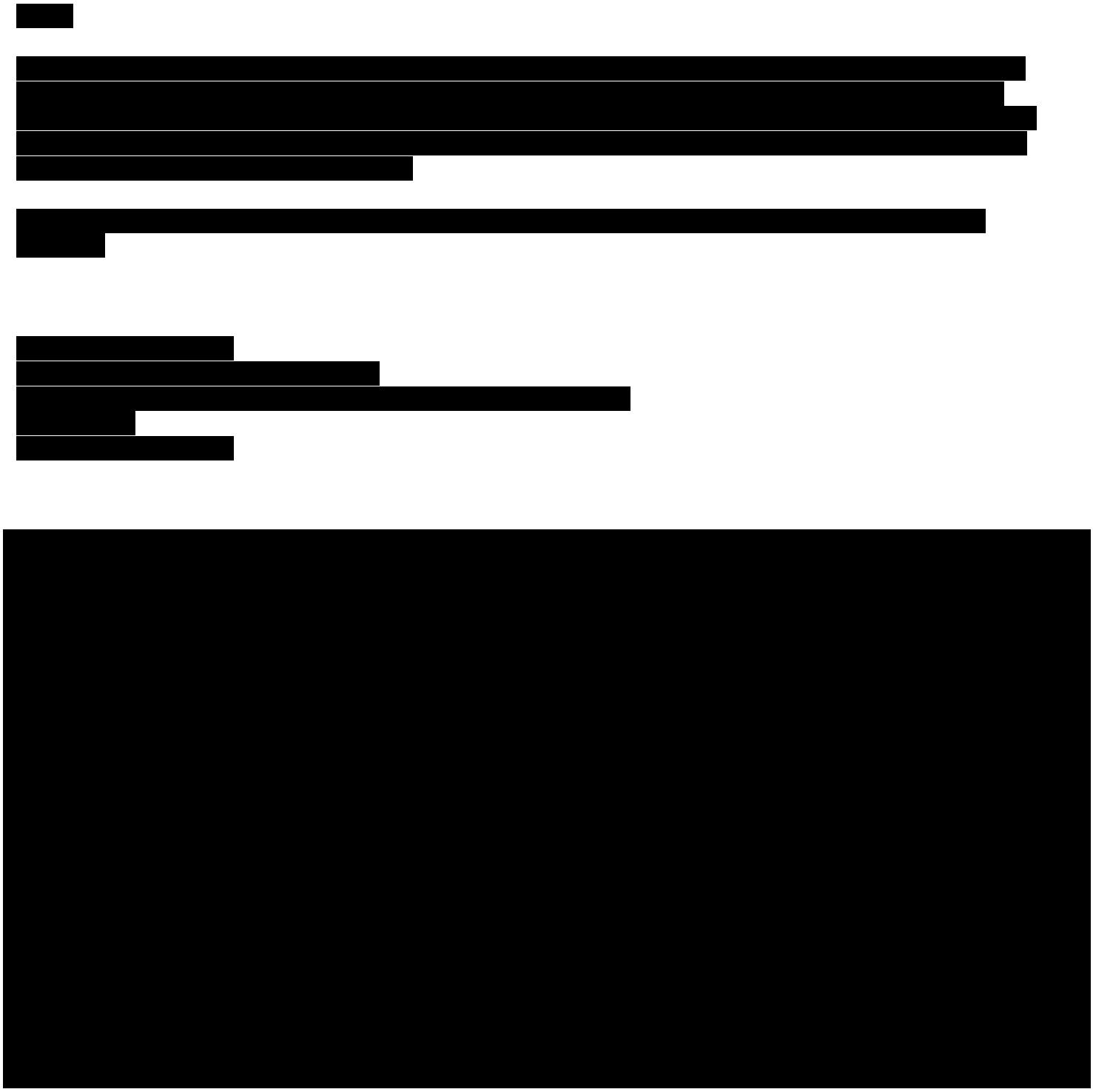



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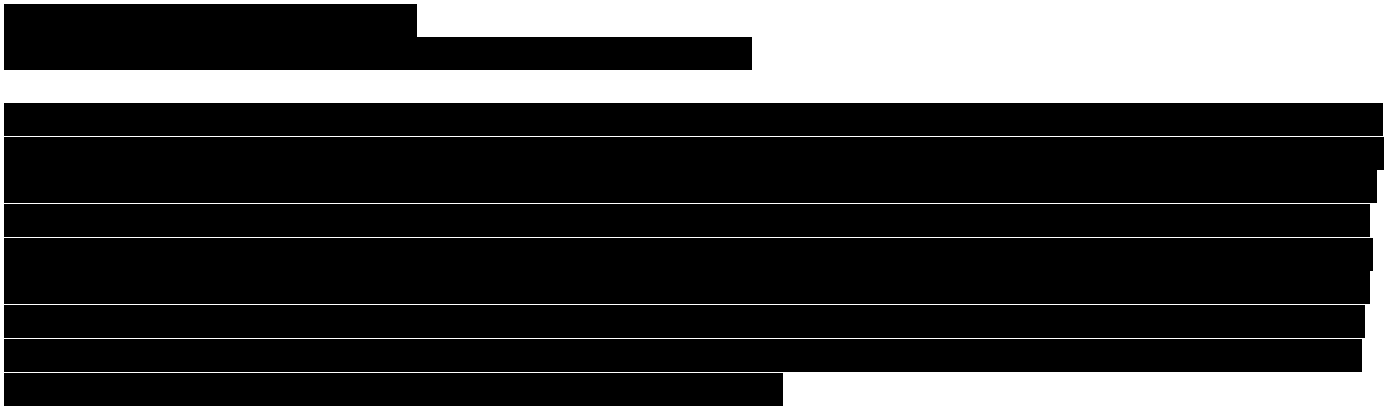







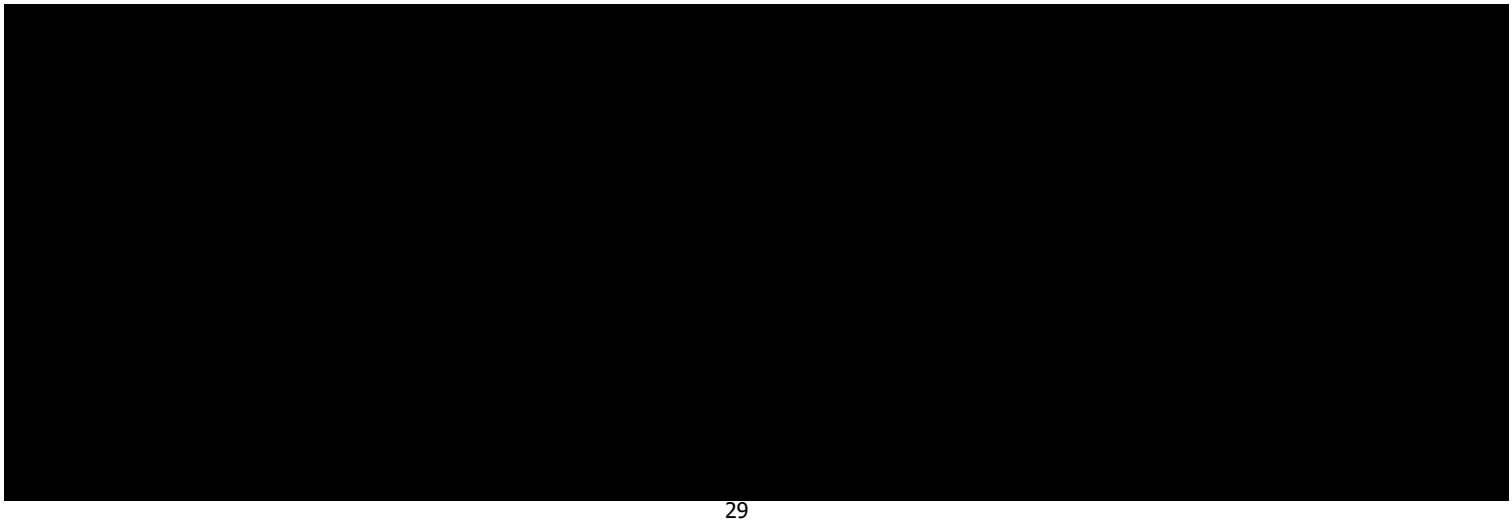





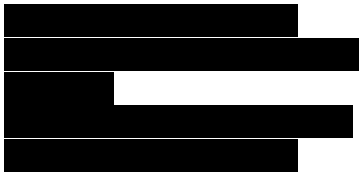









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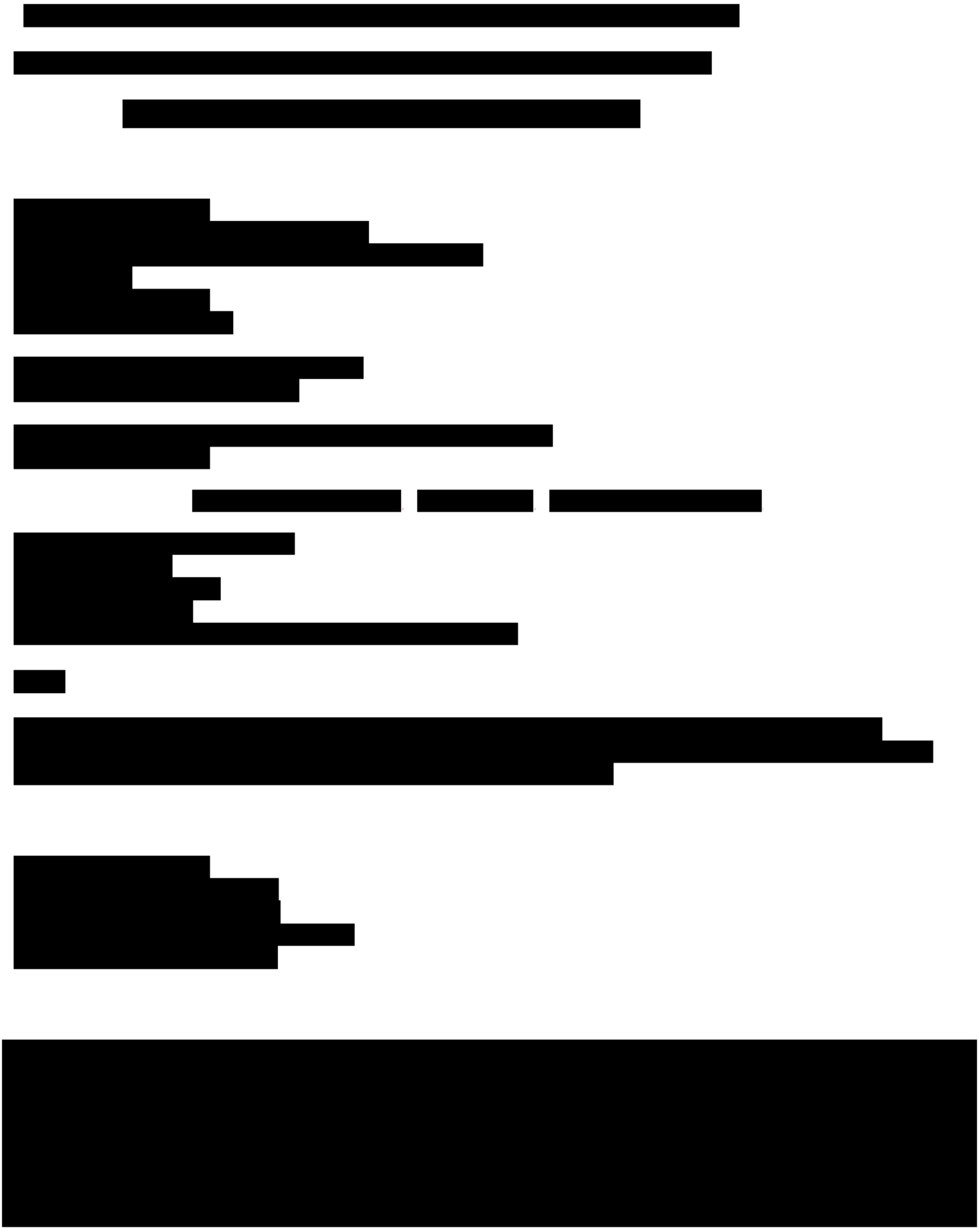

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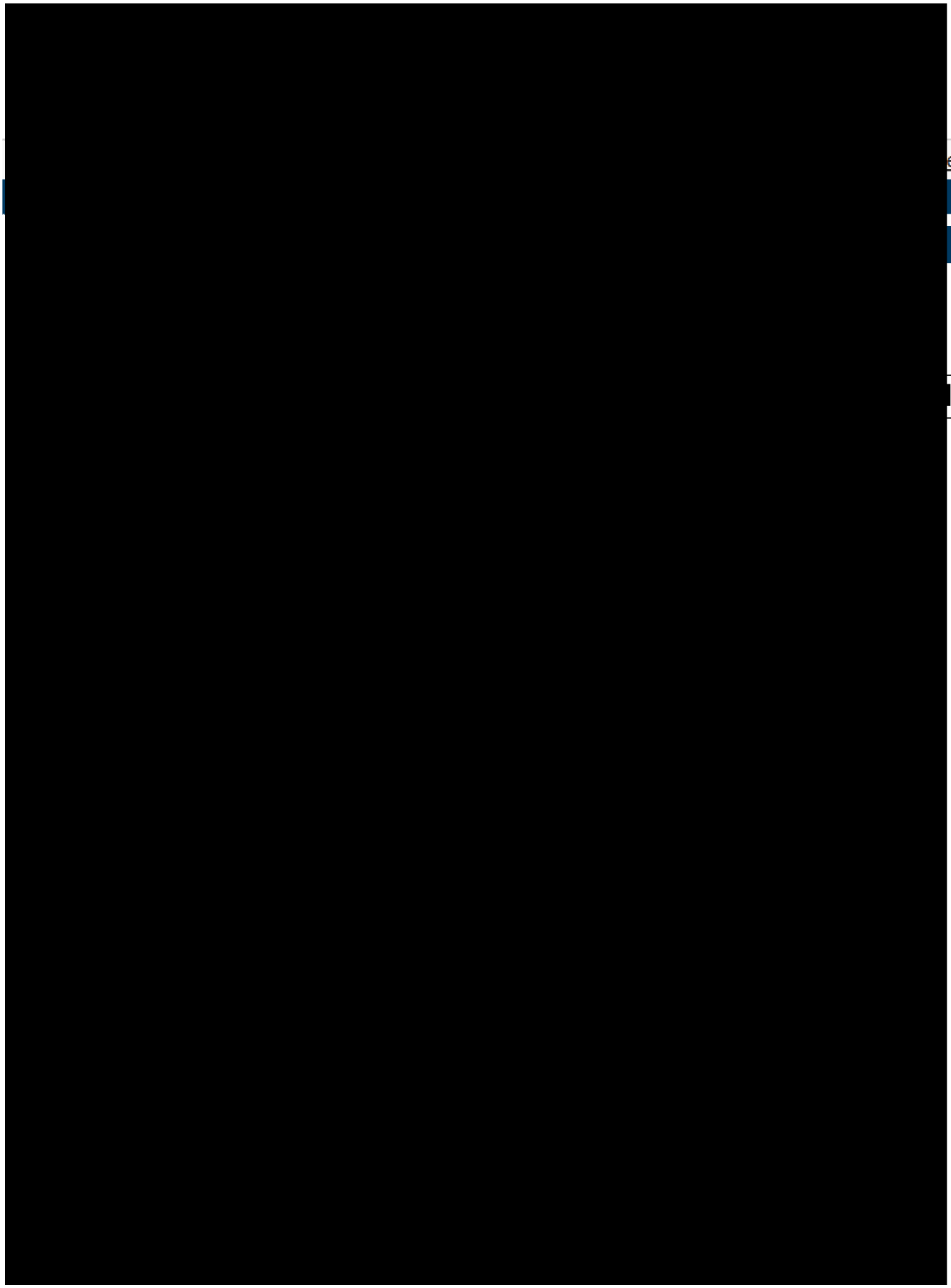









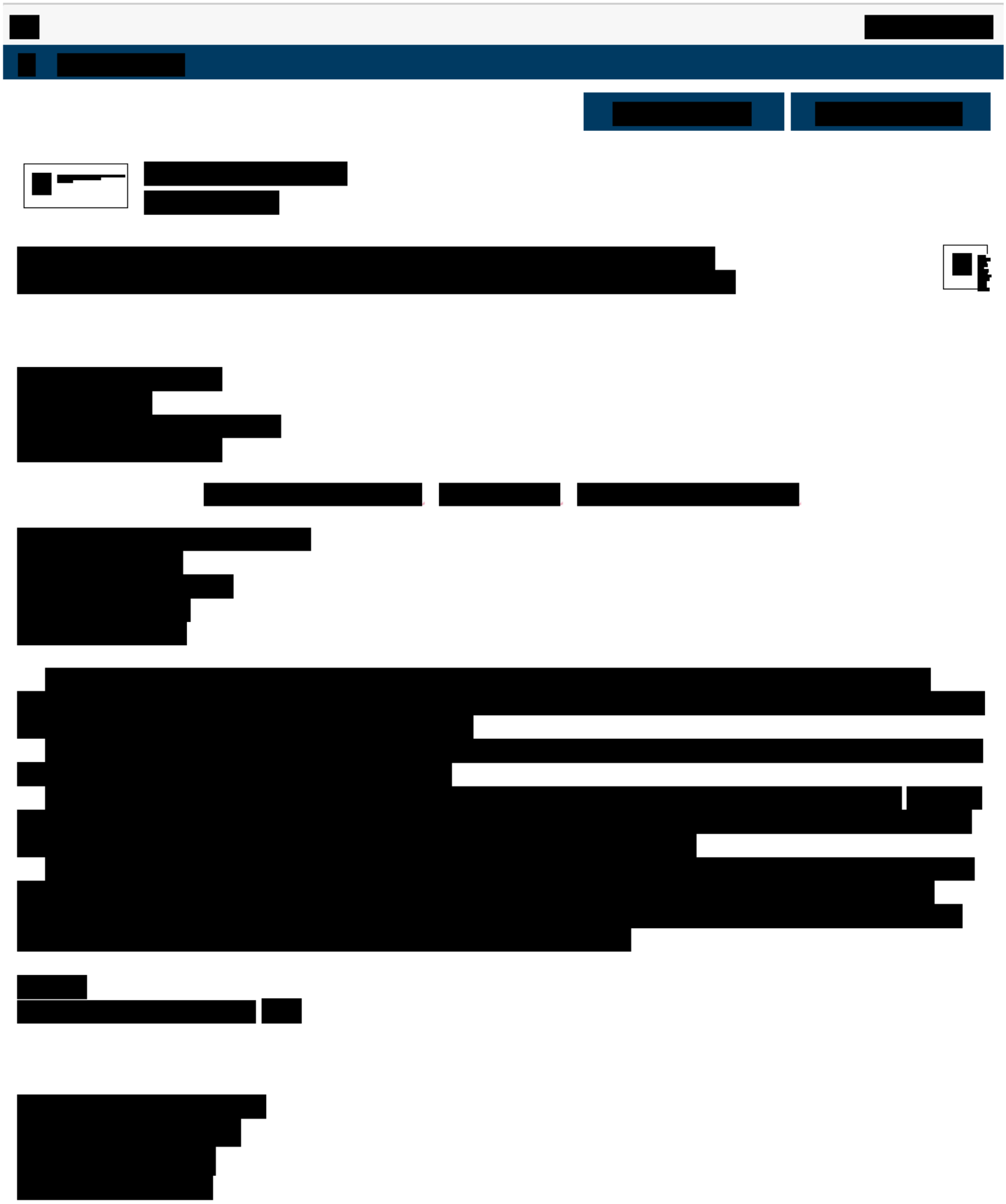



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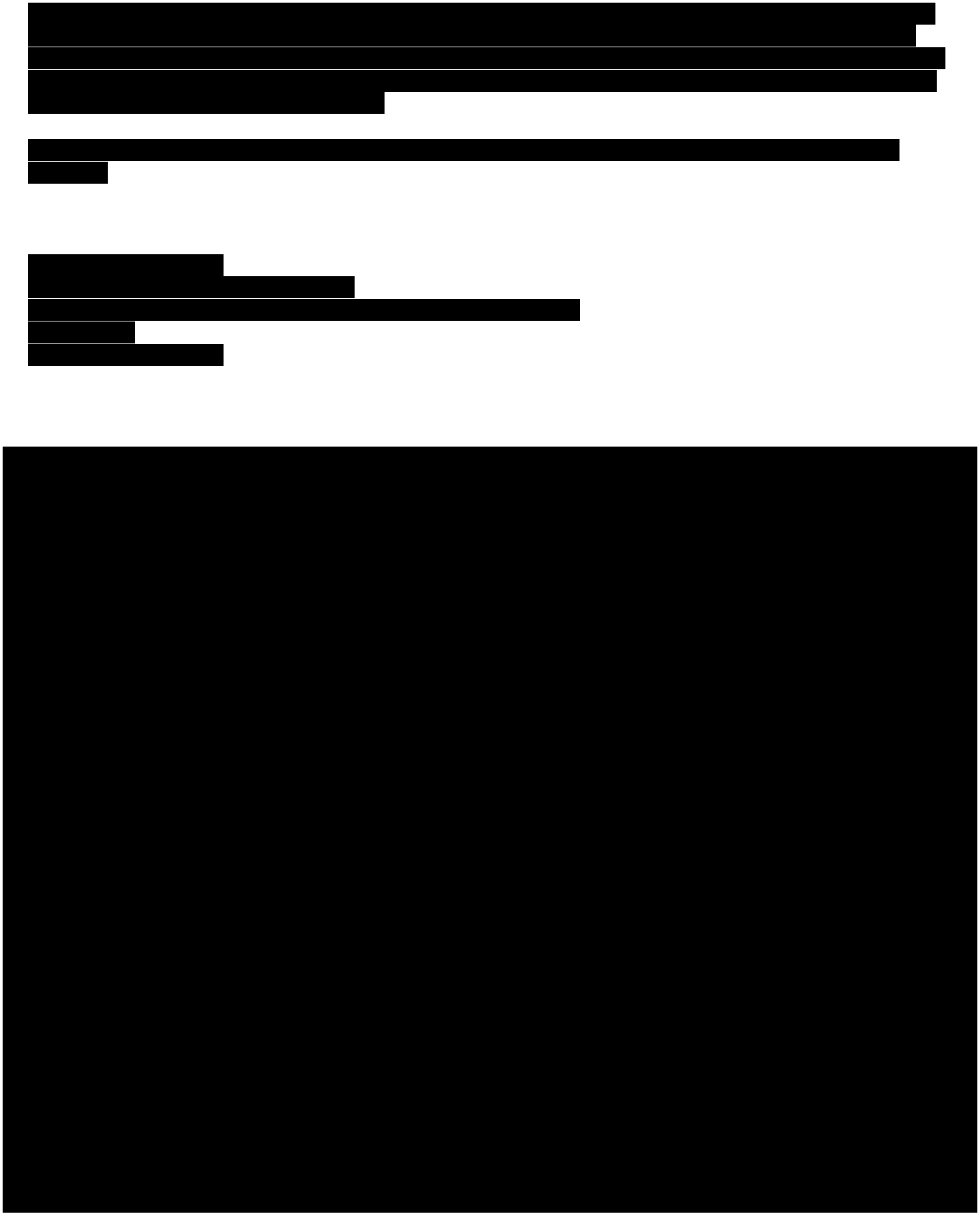

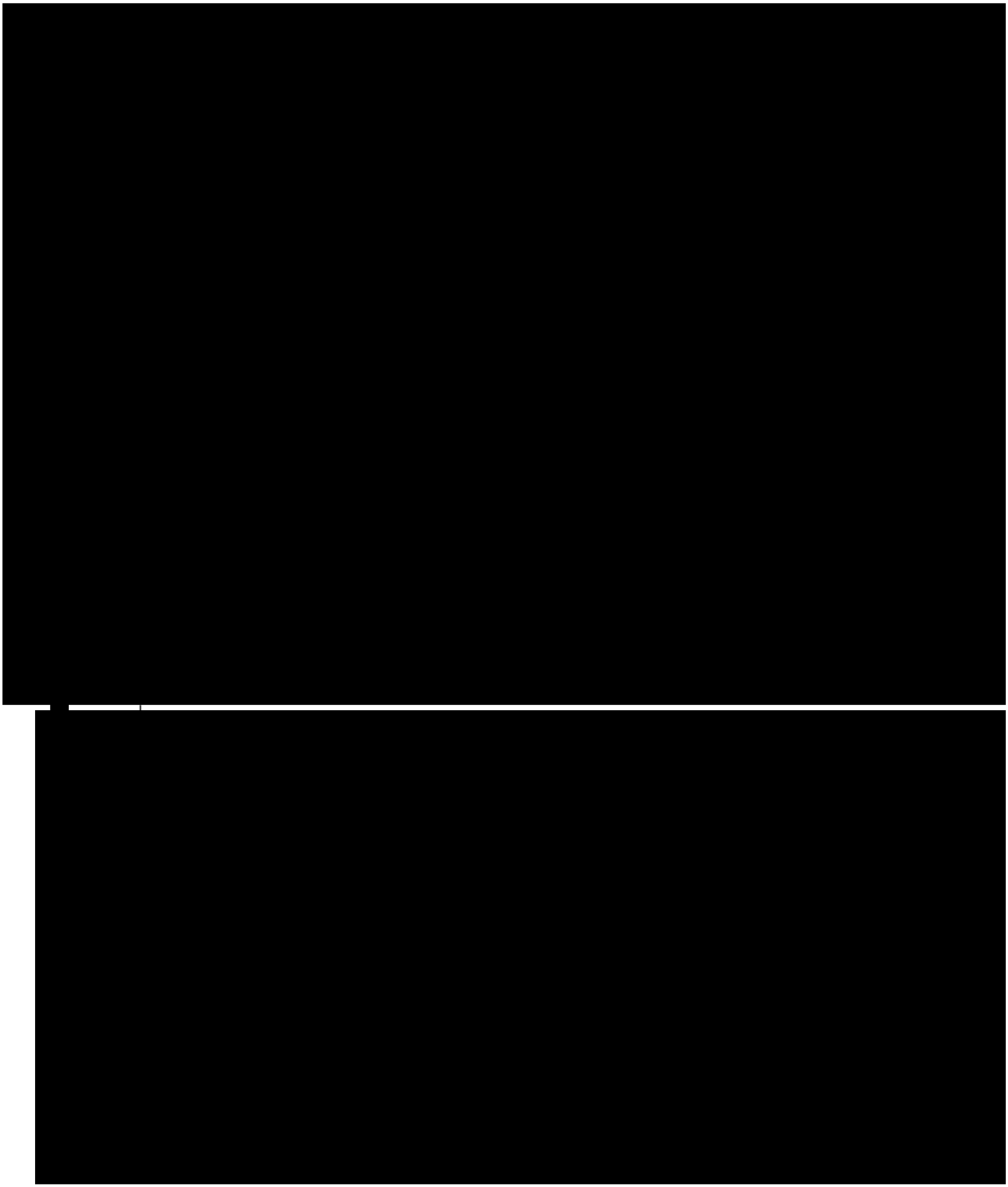





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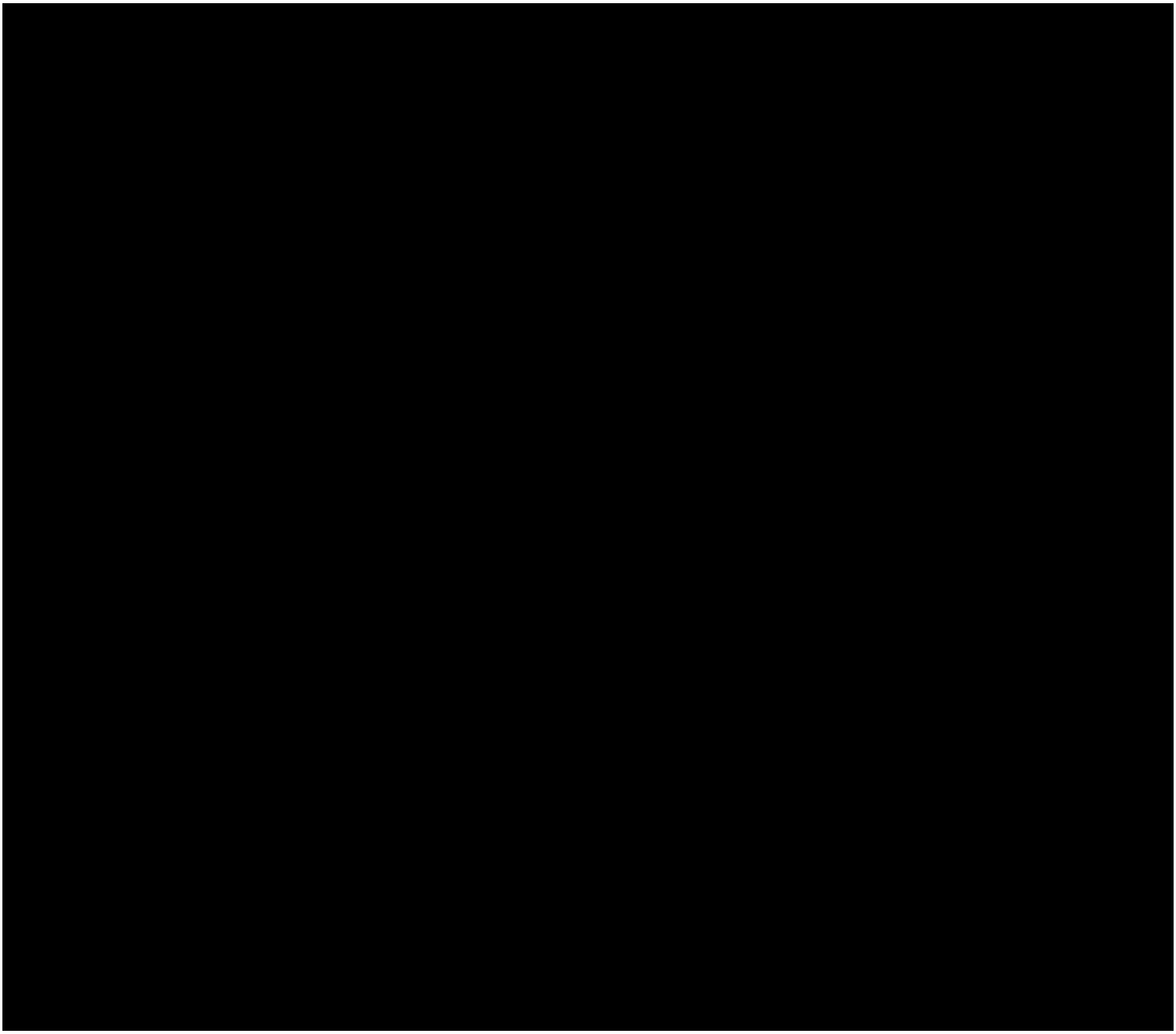





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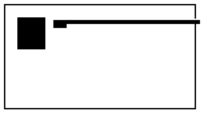















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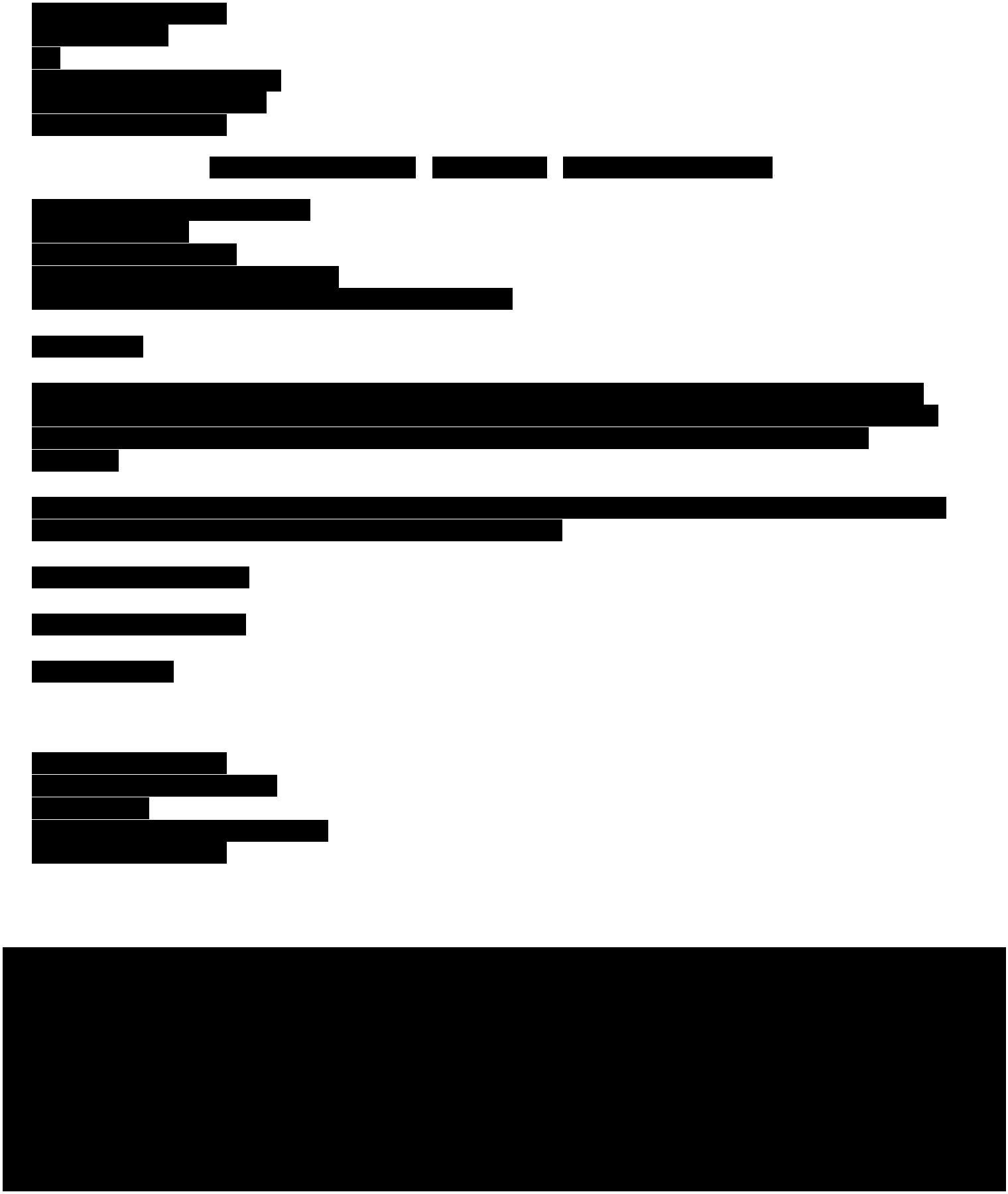





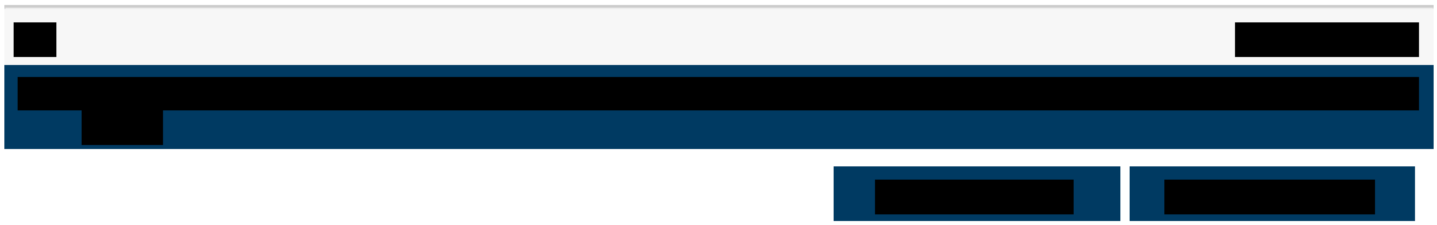

























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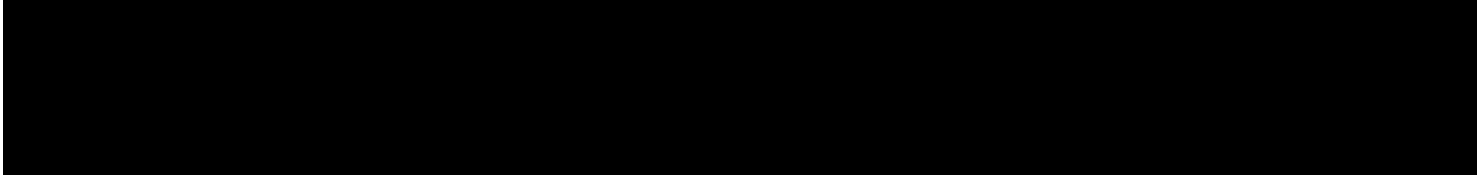



















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From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:18 AM
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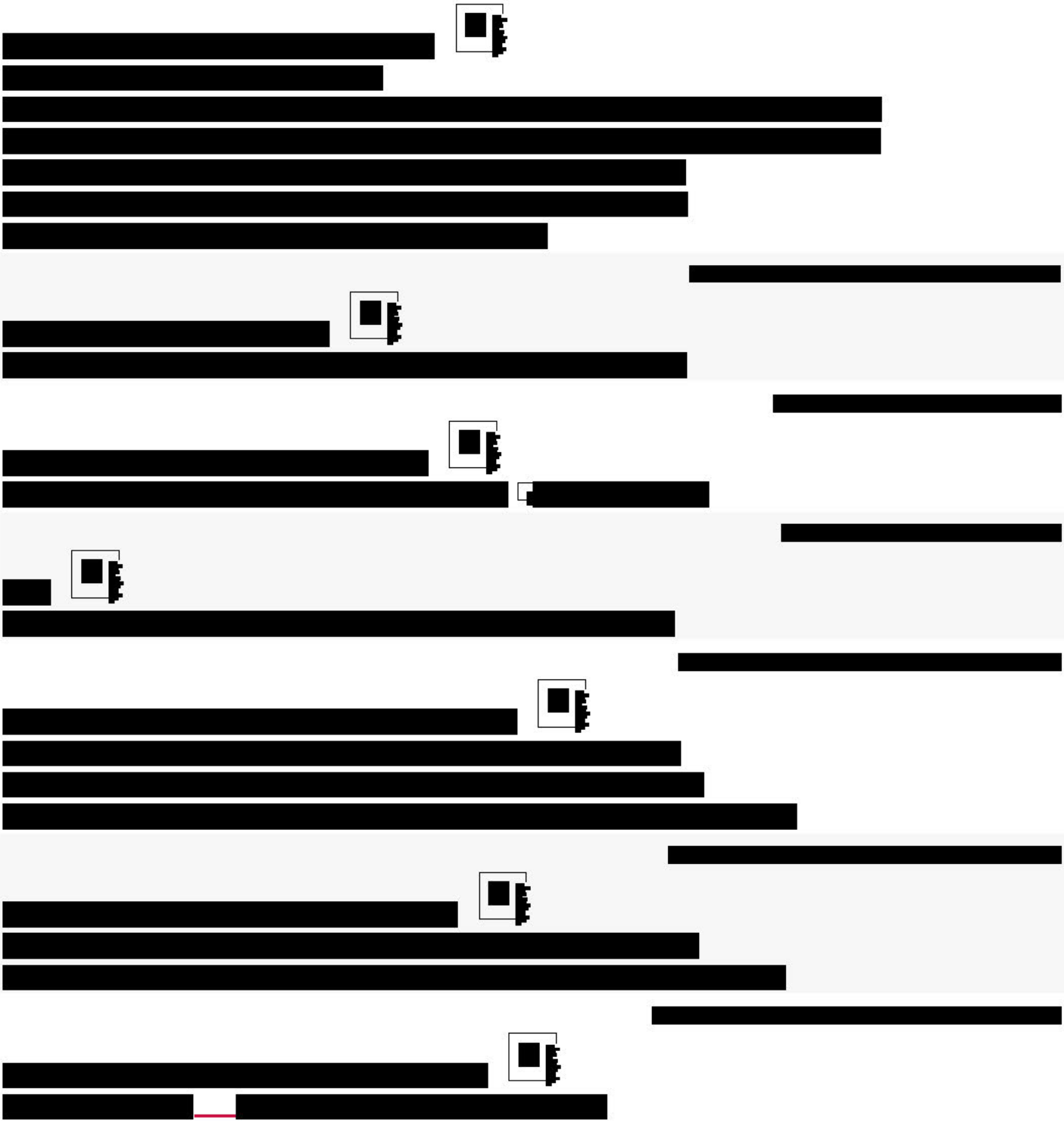

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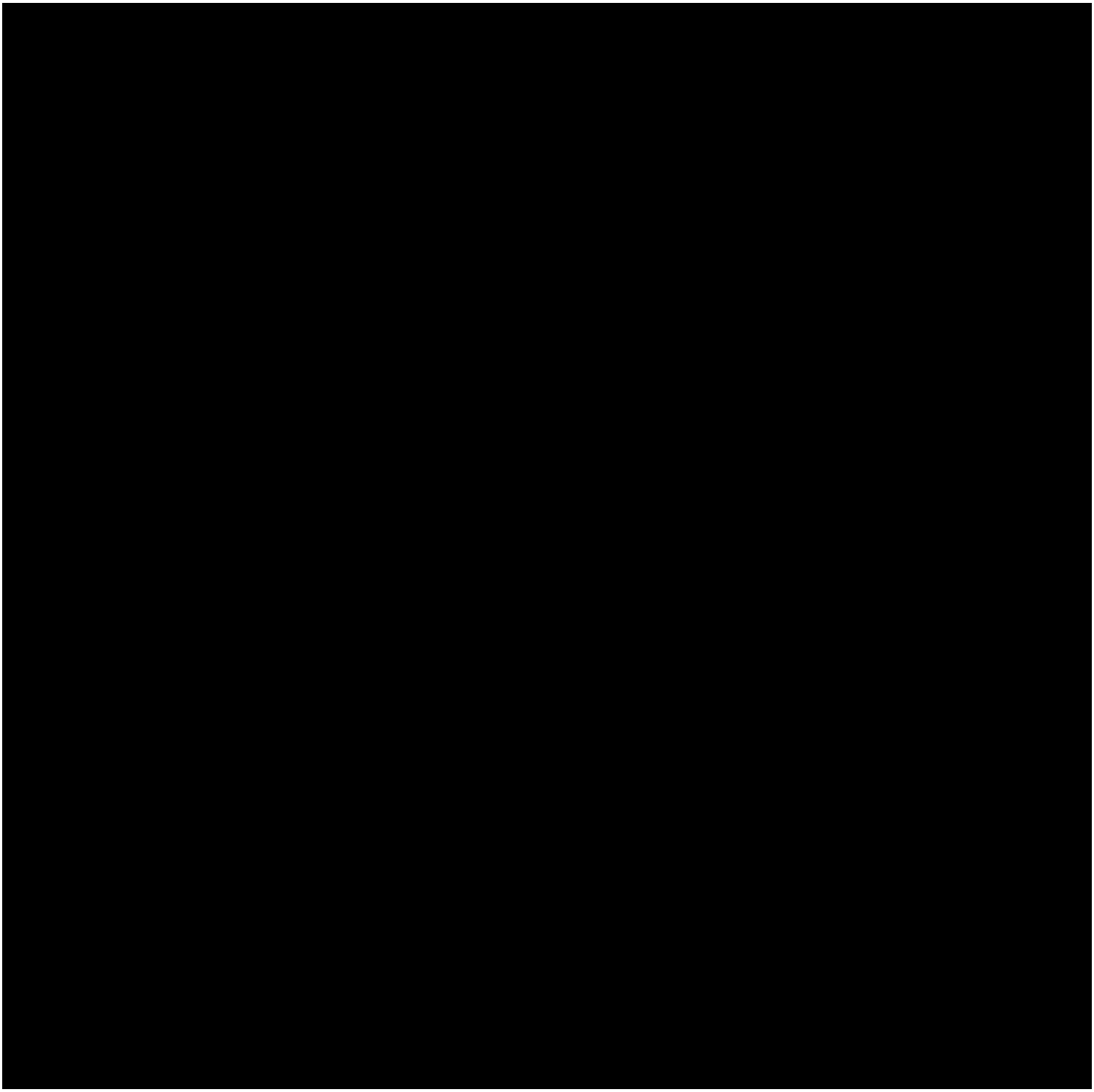







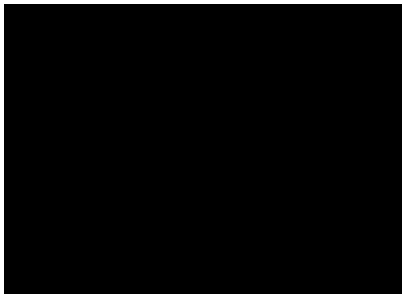





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School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

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MA United States

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[Claire [Molner] [RN NCSN]

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San Diego, CA United States

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MA United States











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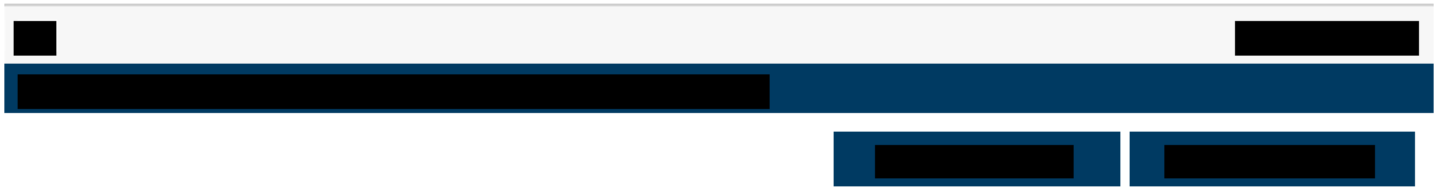





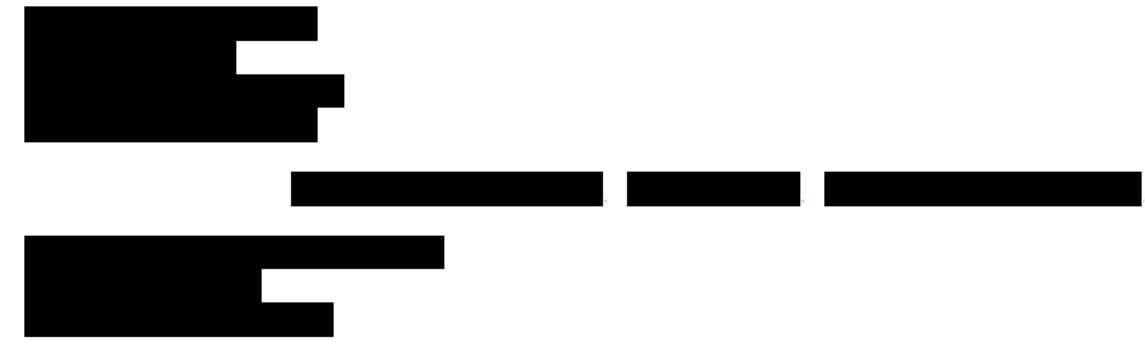

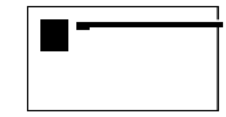





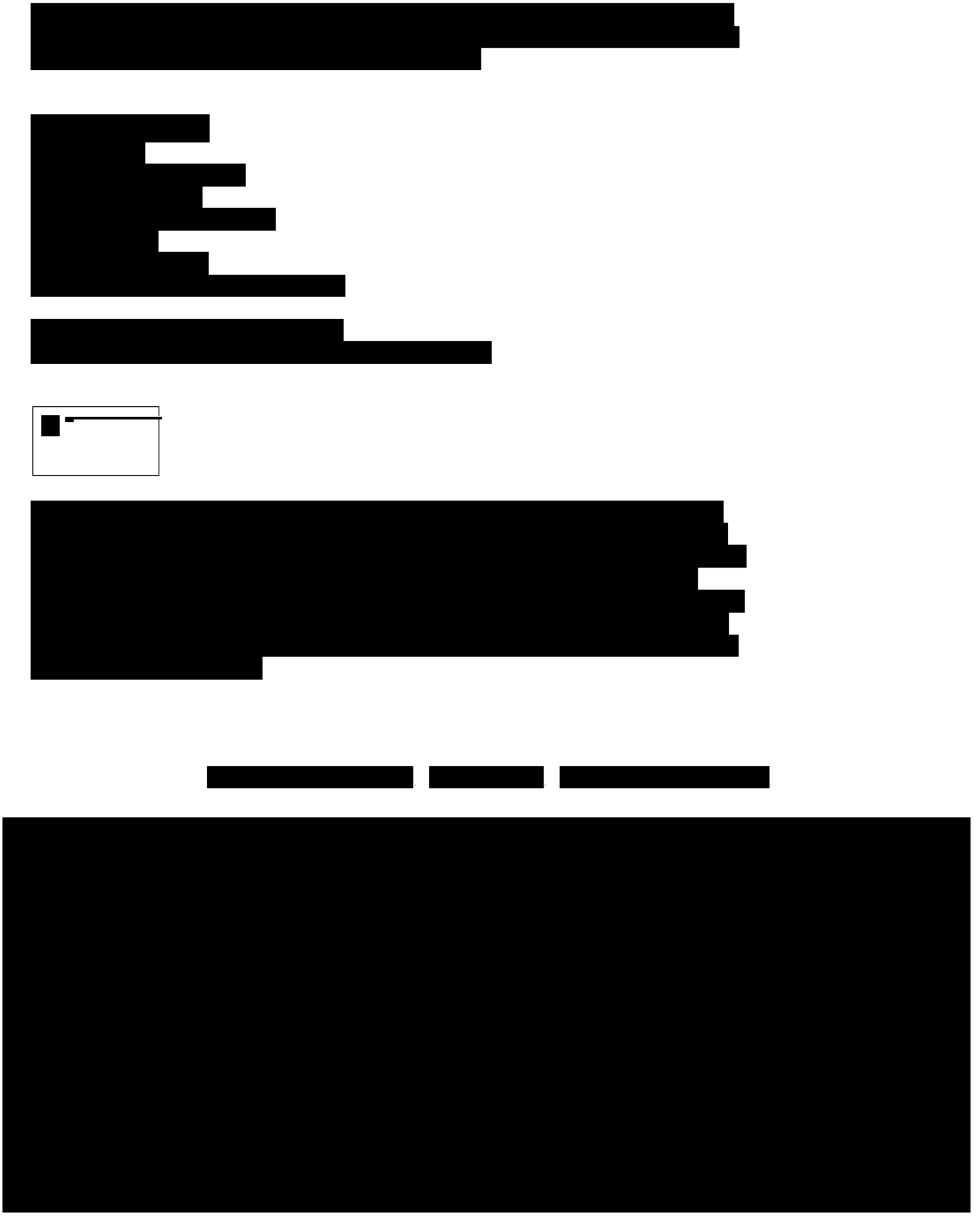

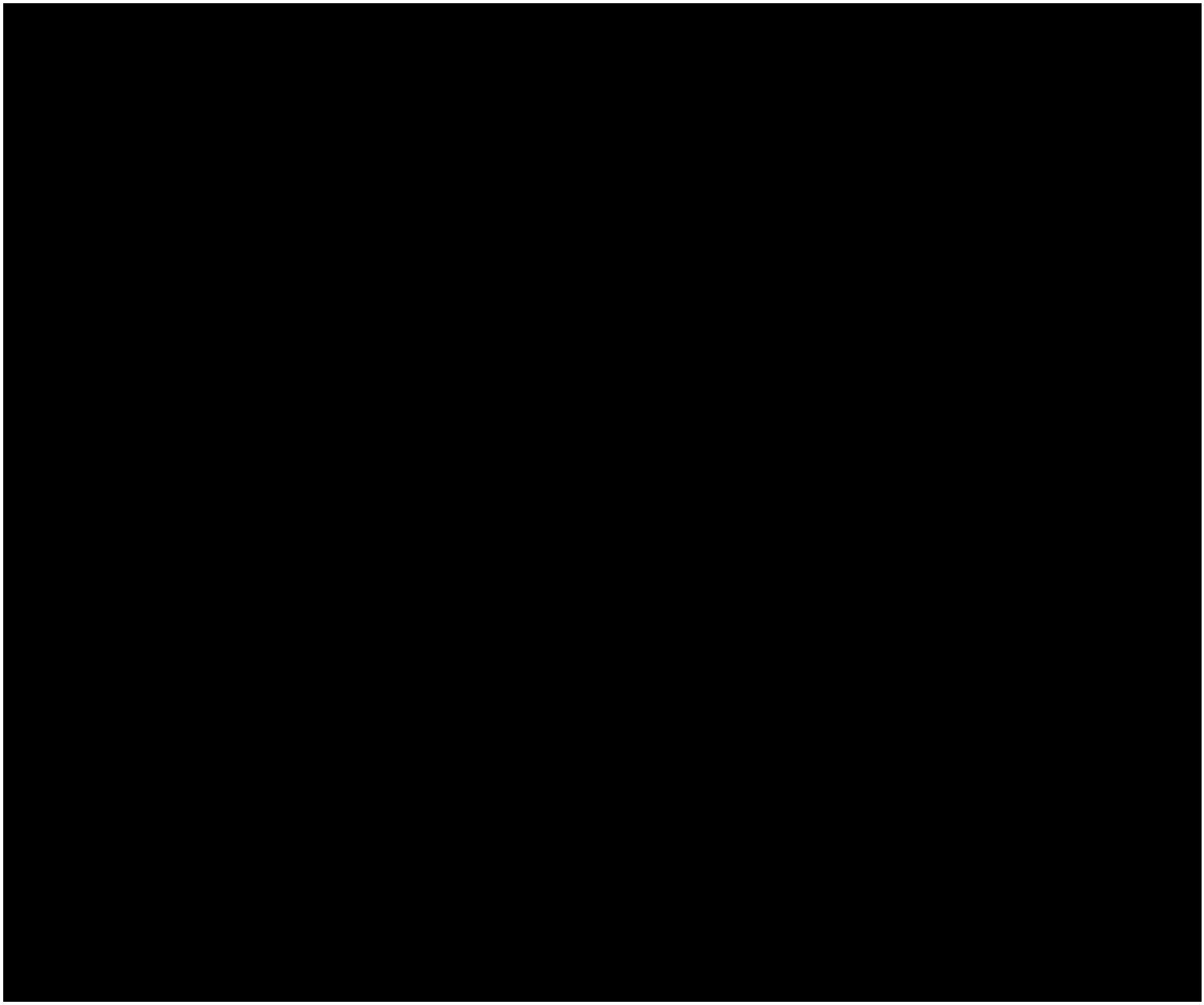



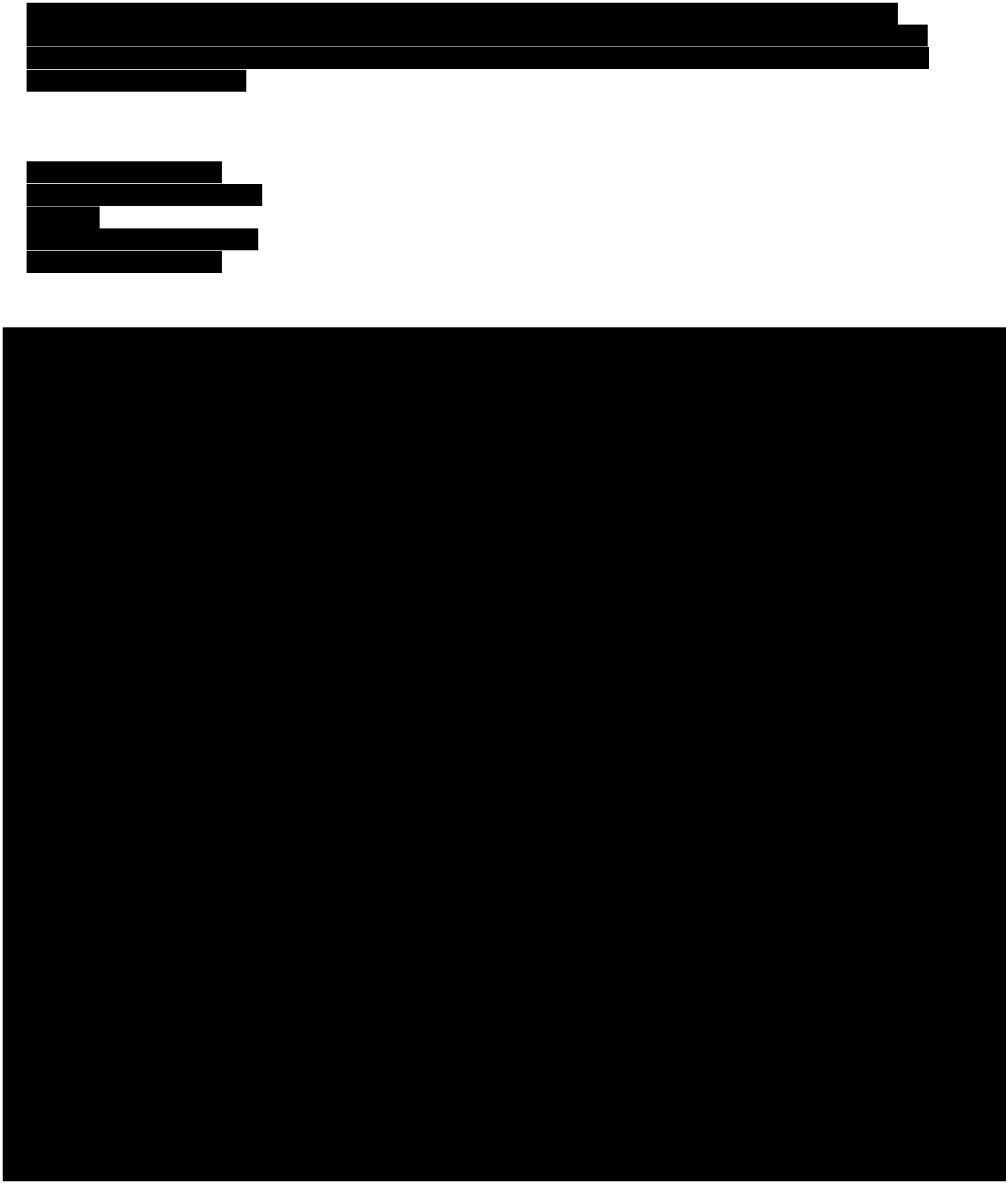

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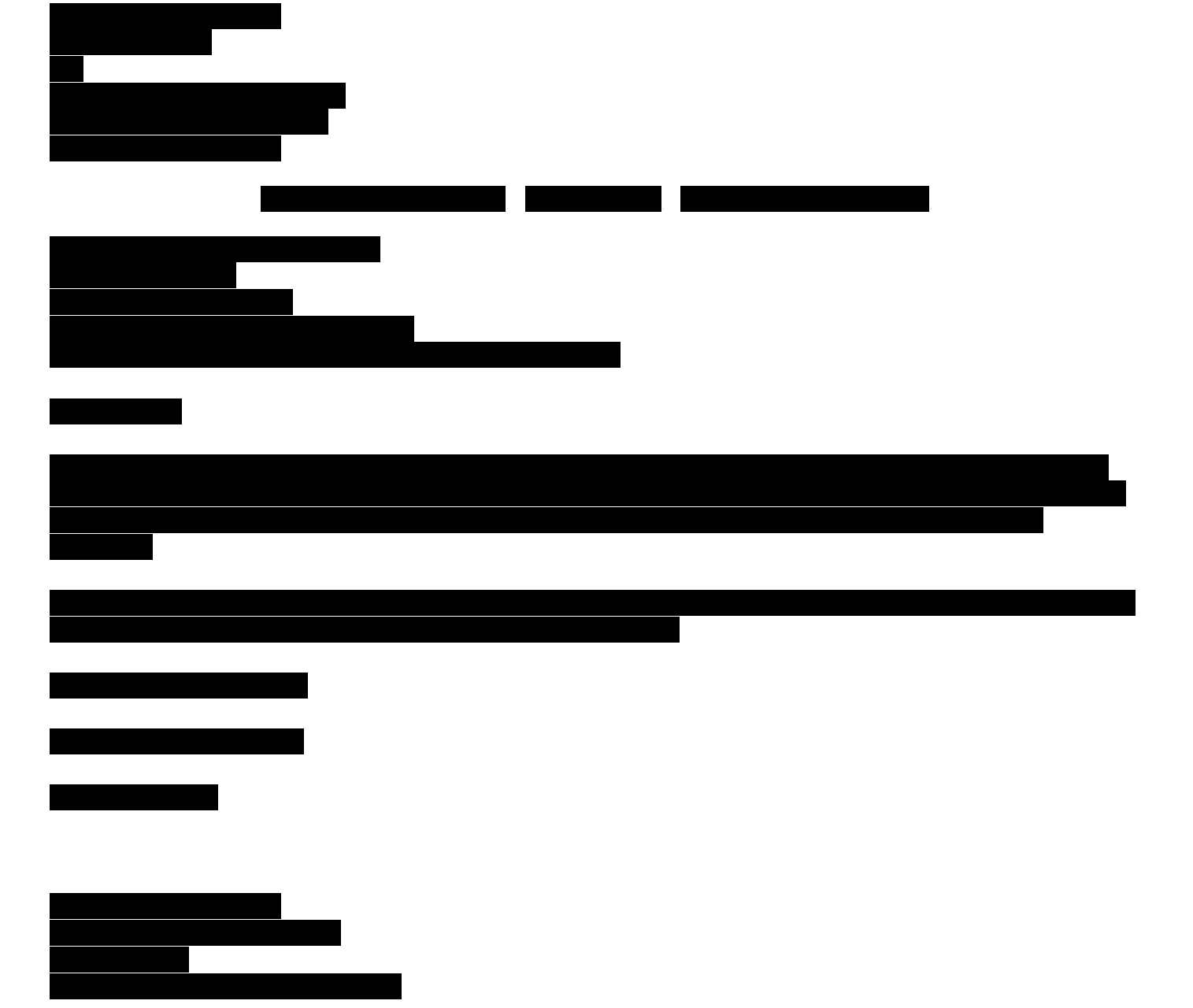







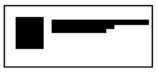

















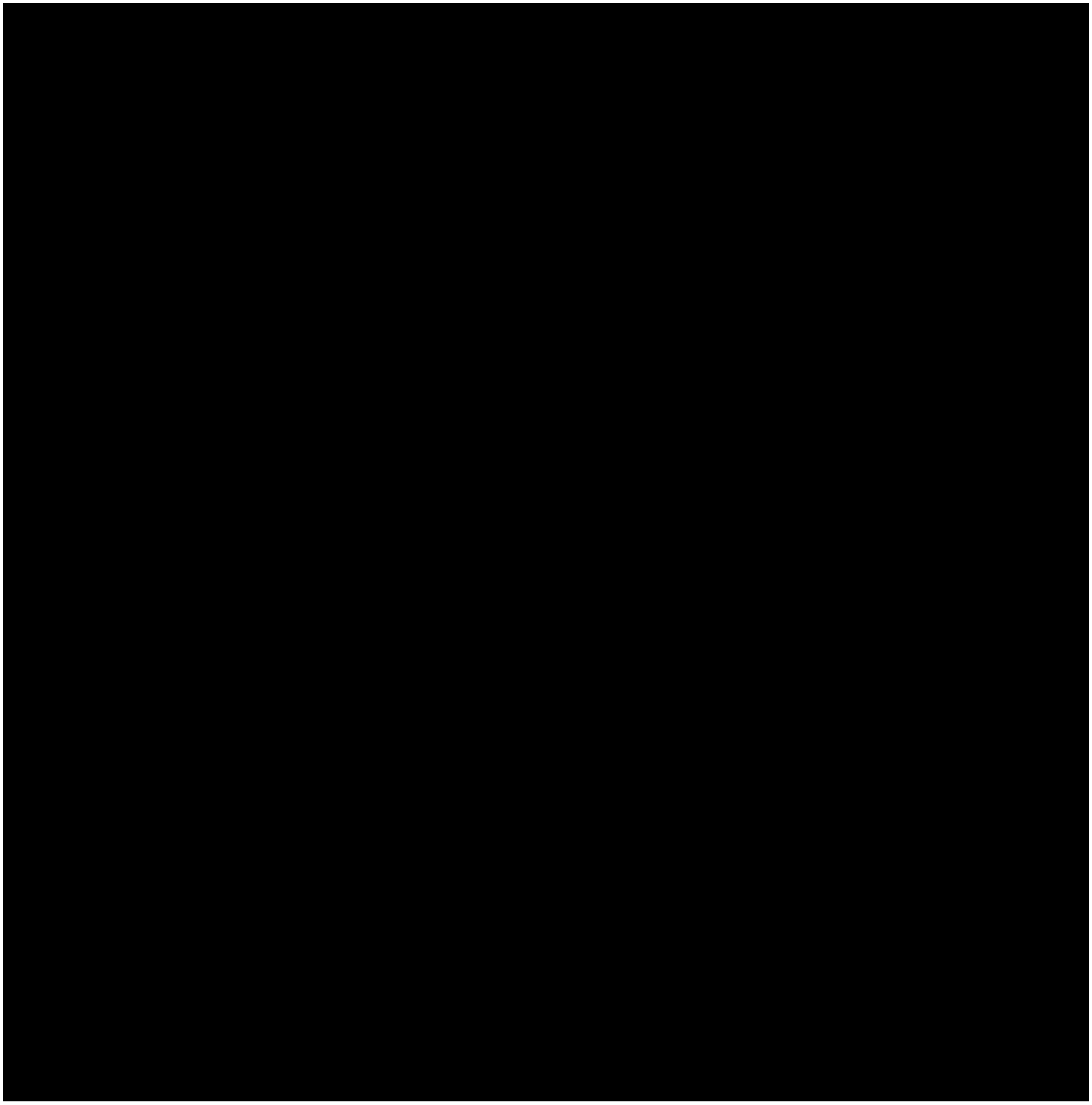



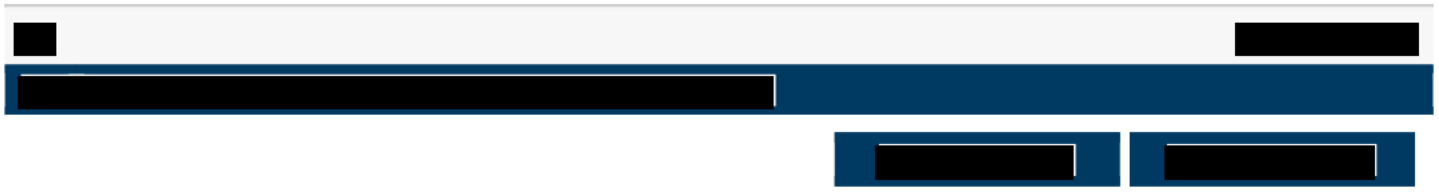









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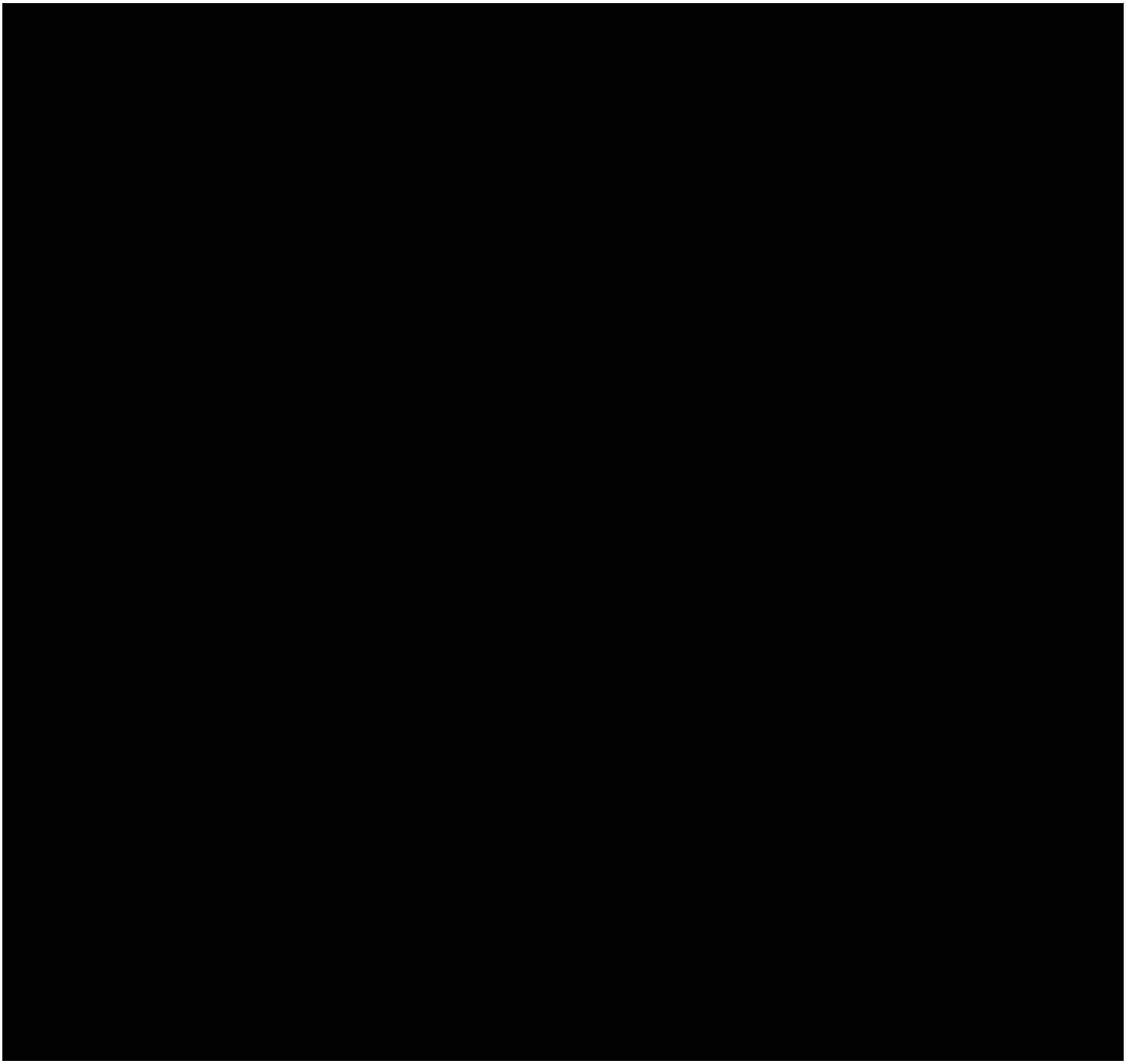



From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:18 AM
To: celine.disalvo@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

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Gender Identity

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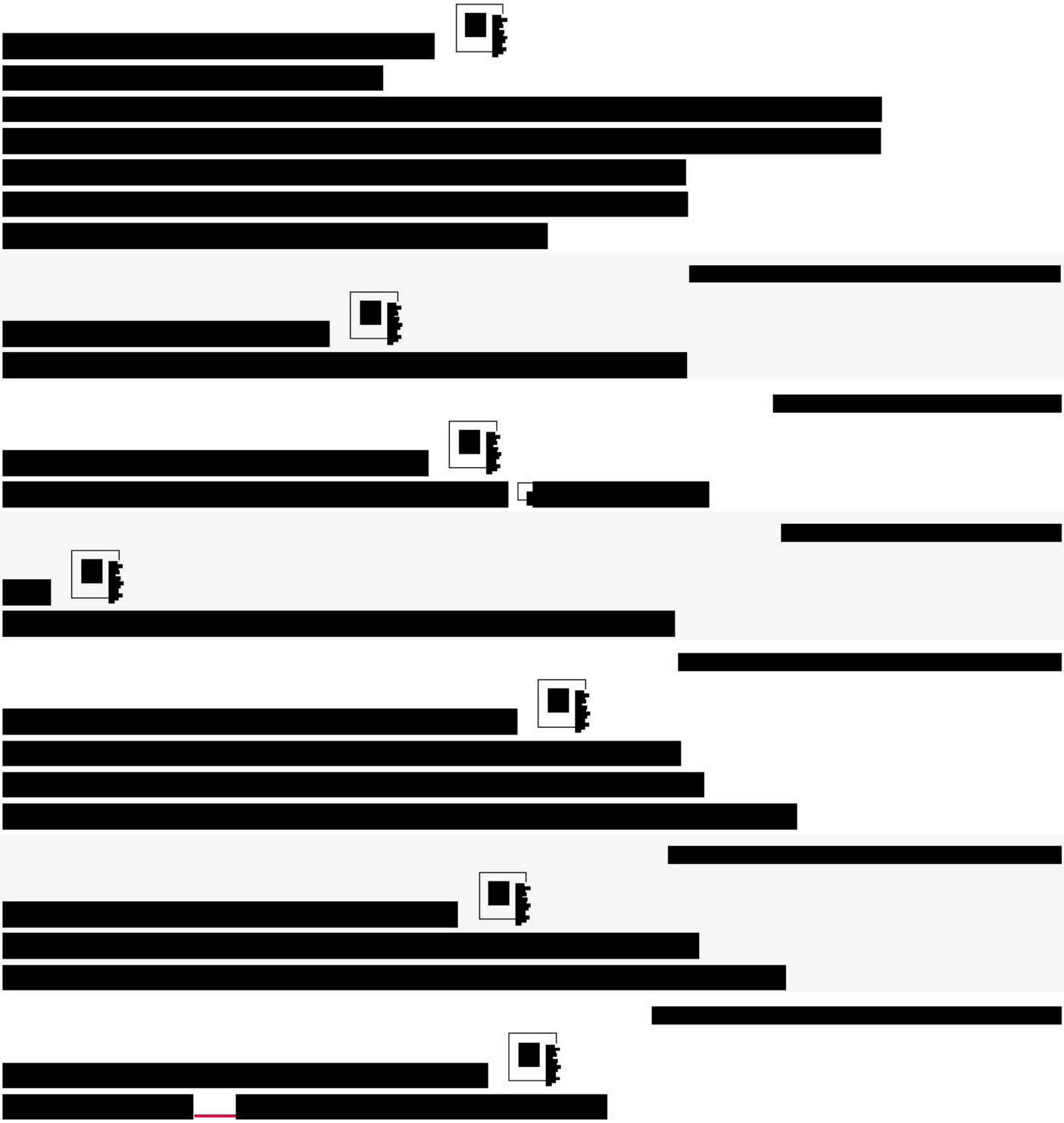



































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Advocacy and Action: How School Nurses Can Help LGBTQ Students Thrive [Enduring]

Good Luck!

Tracy

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Indianapolis, Indiana USA

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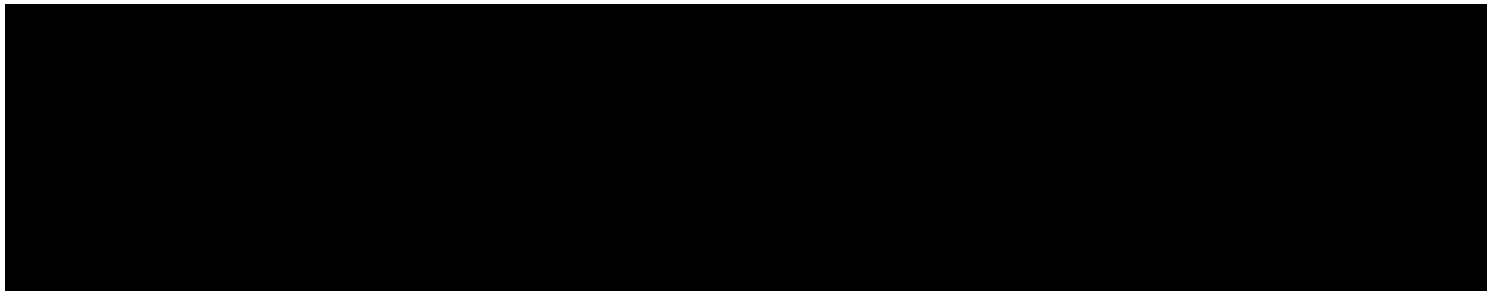

















































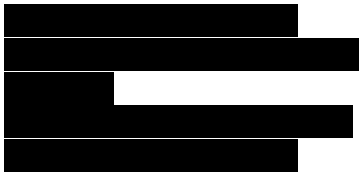





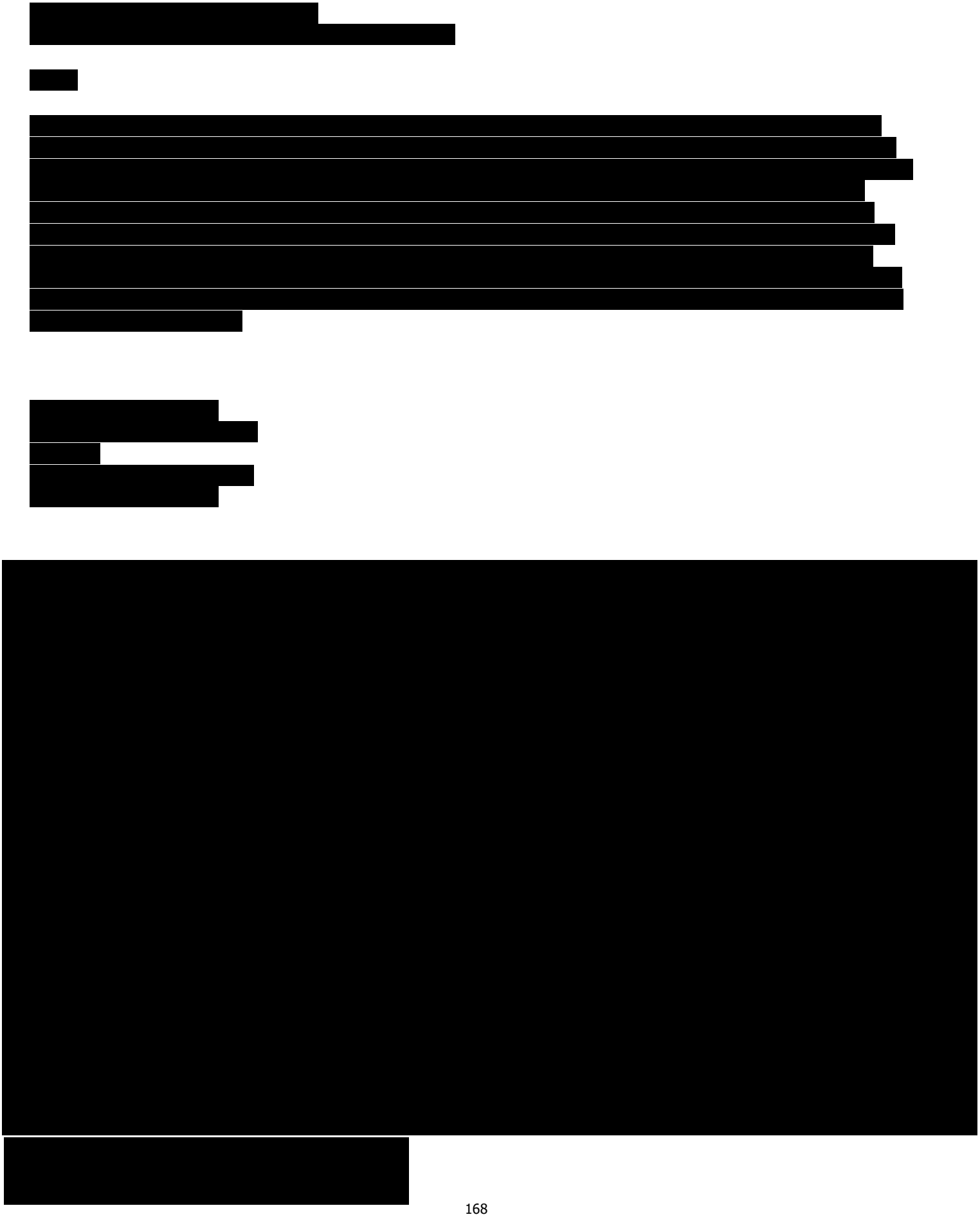



























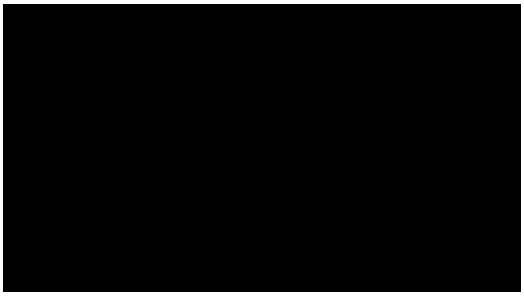







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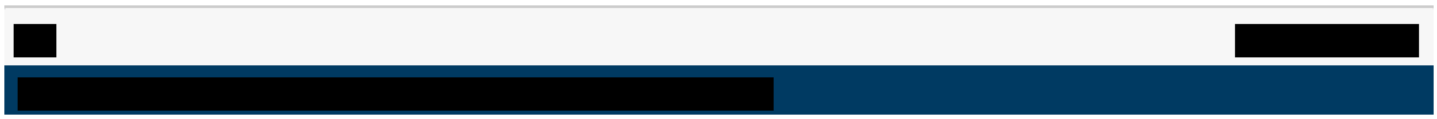













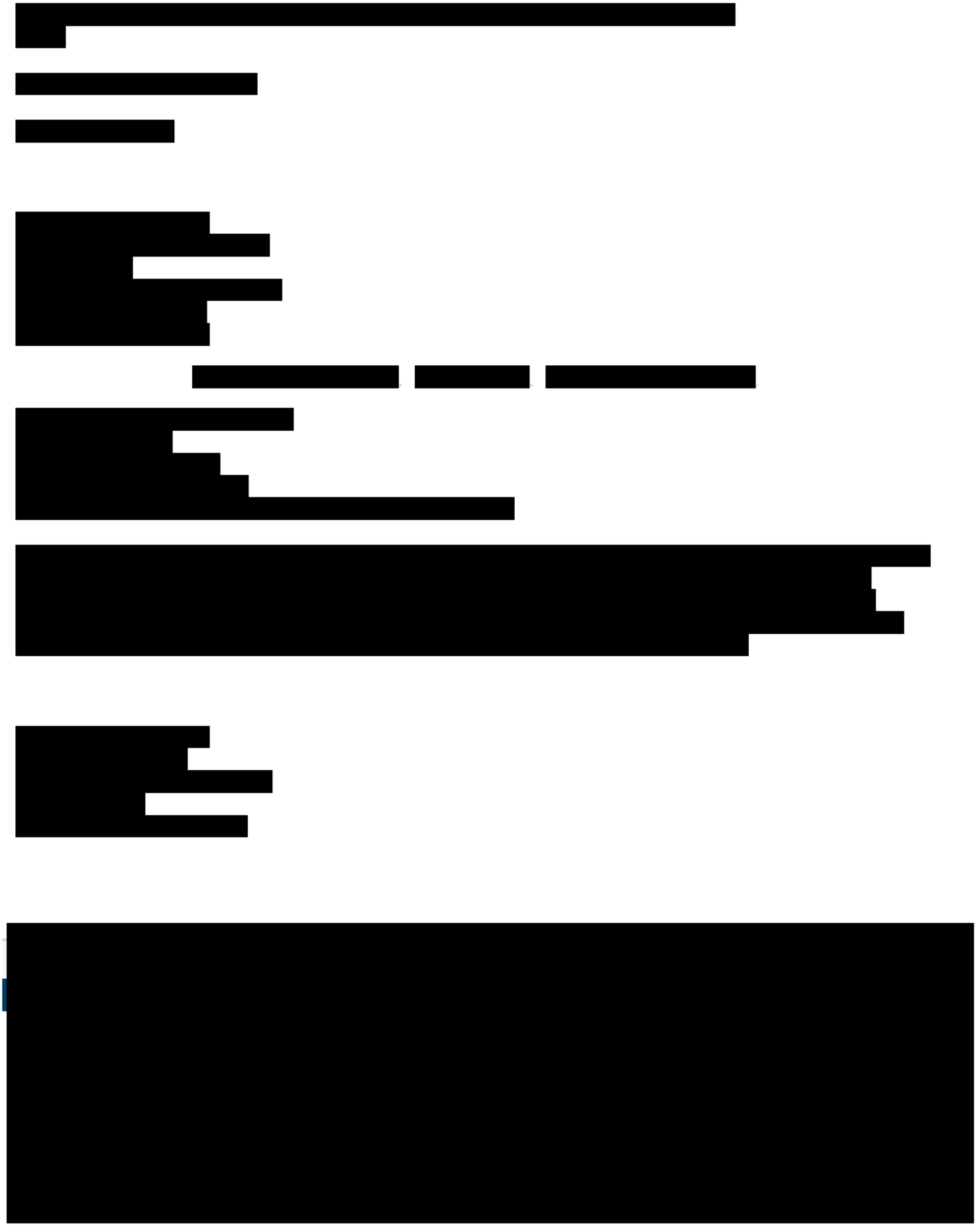

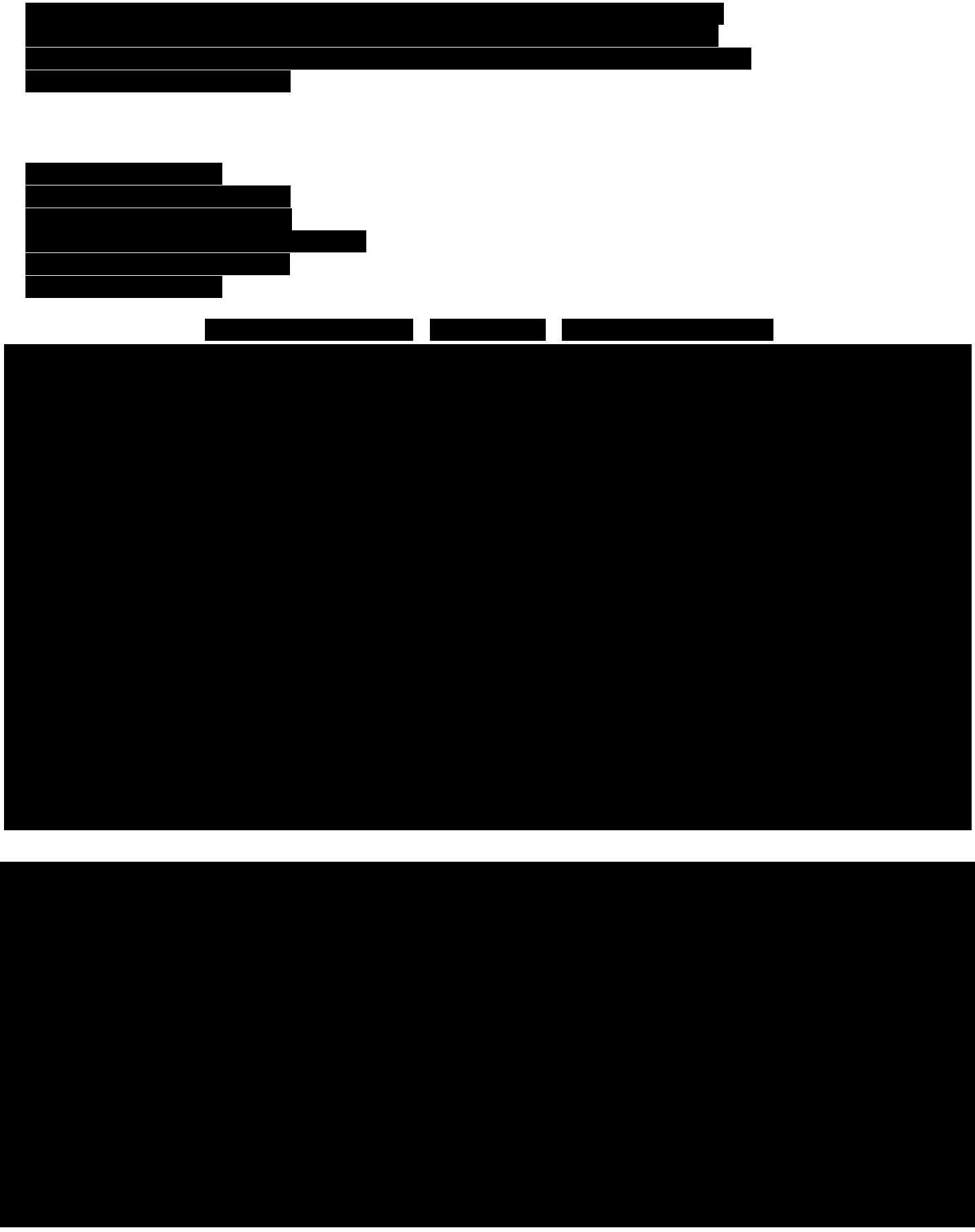





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Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

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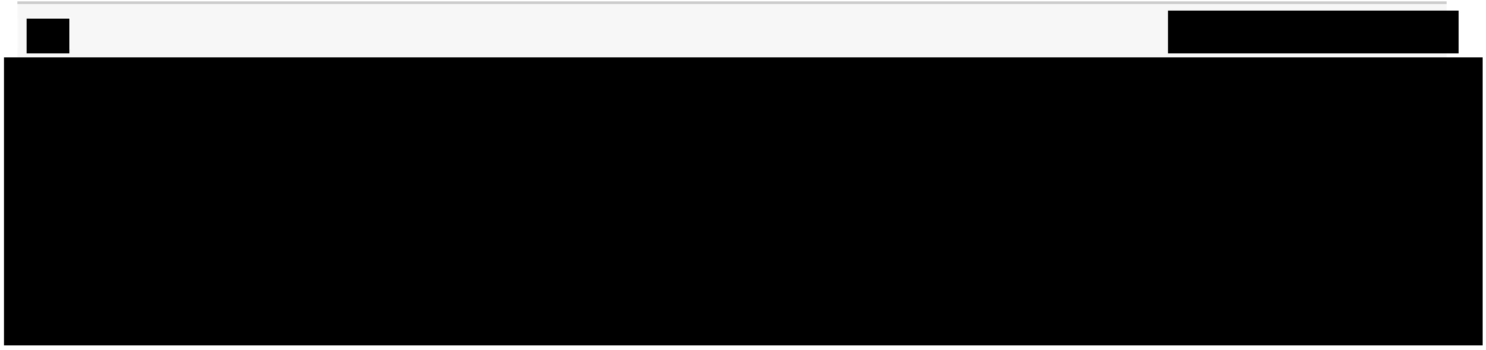

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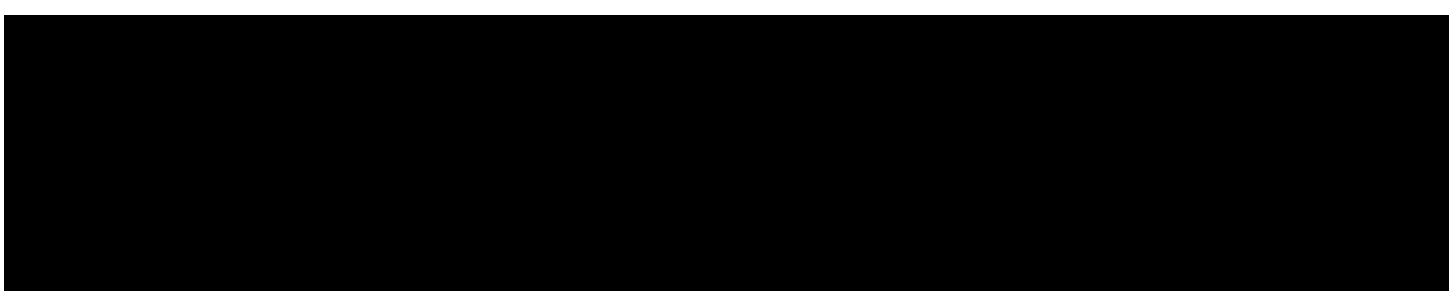





From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:18 AM
To: PATRICIA.SMITH@BEAUFORT.K12.SC.US
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

WARNING: This email originated from outside of Beaufort County School District's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

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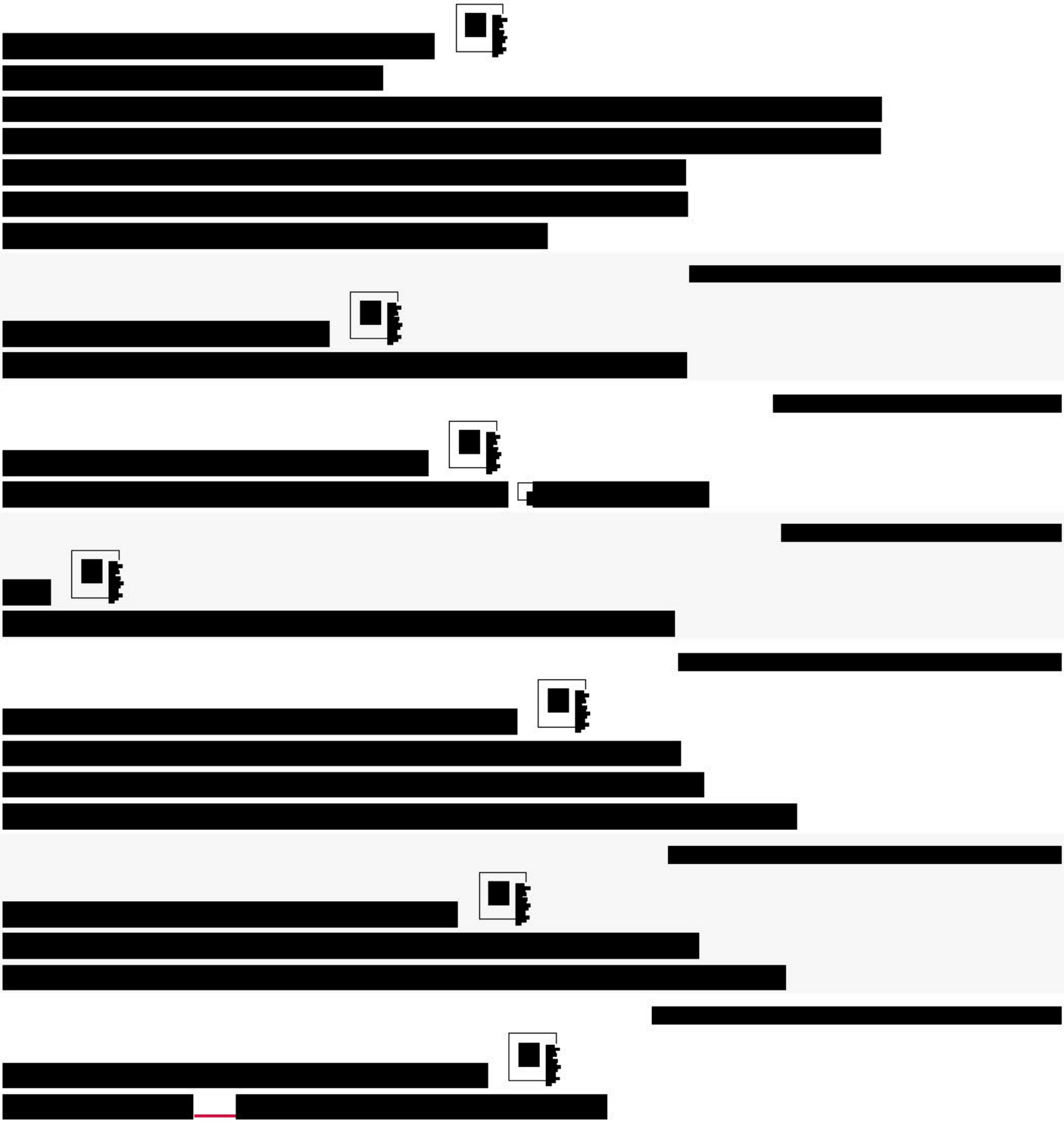

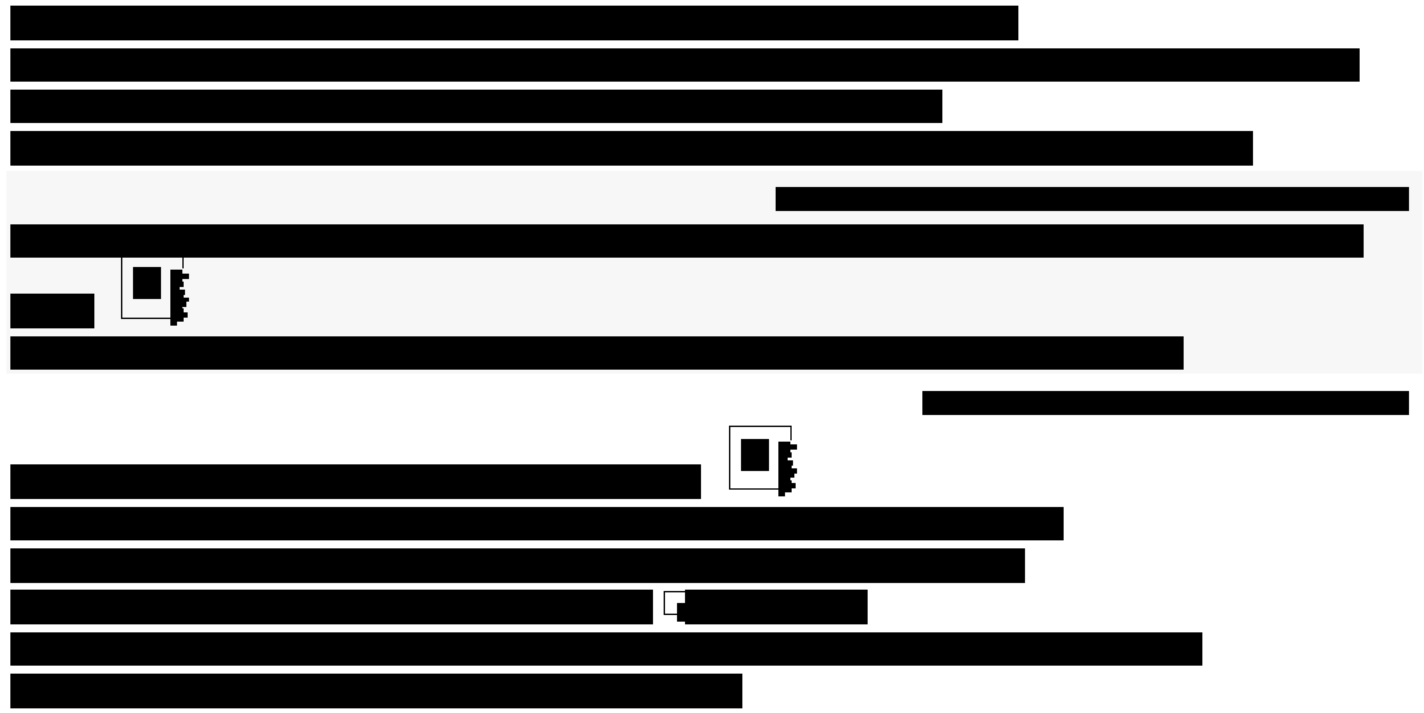



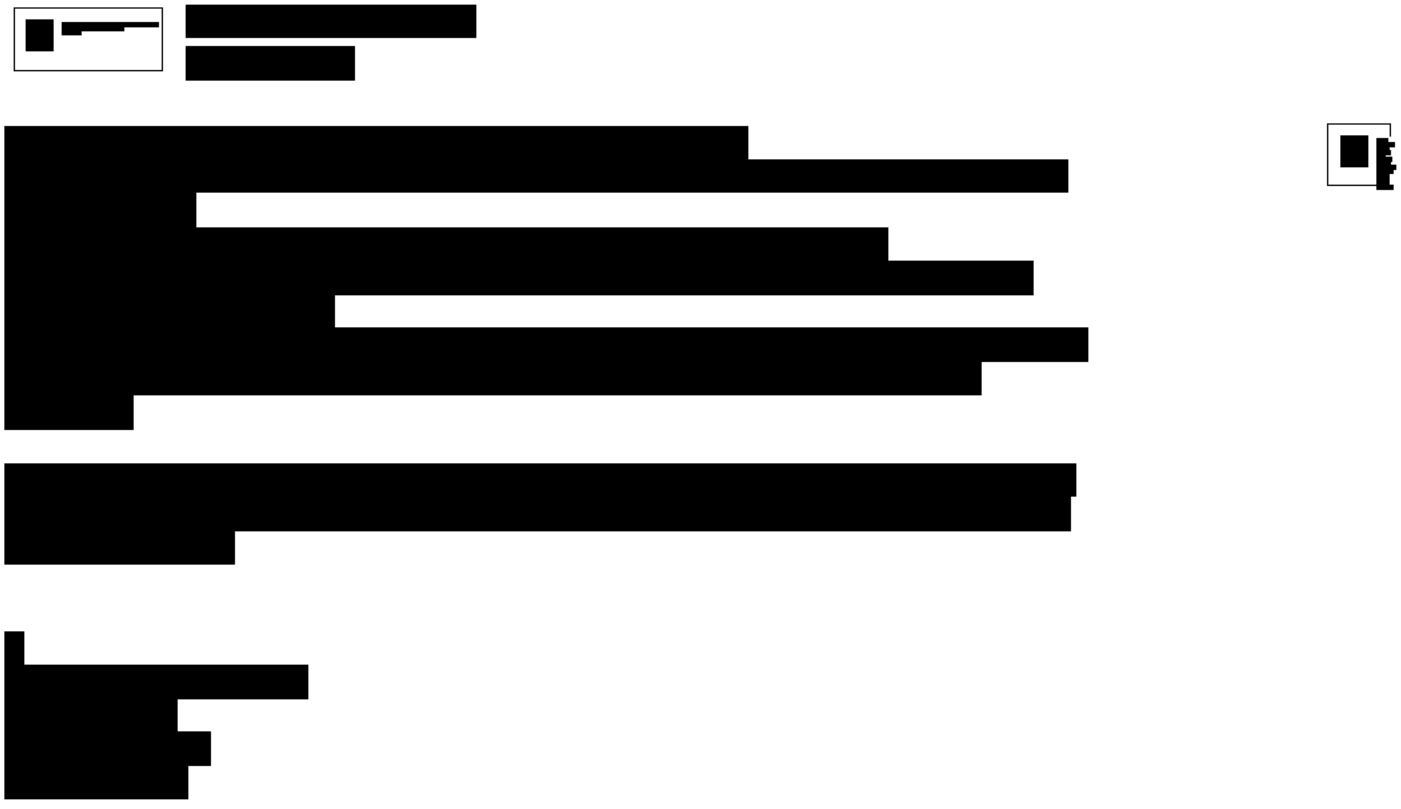











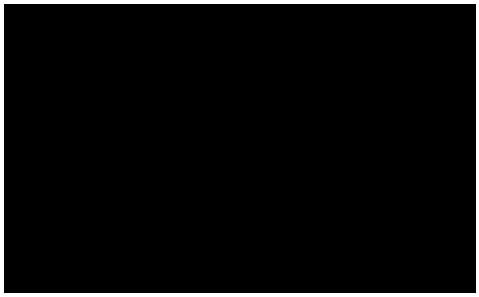











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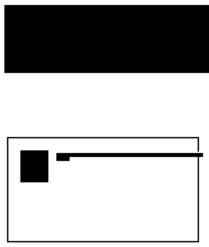



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Gina Cornick NCSN, RN, BSN
School Based Public Health Nurse
Raleigh, NC United States

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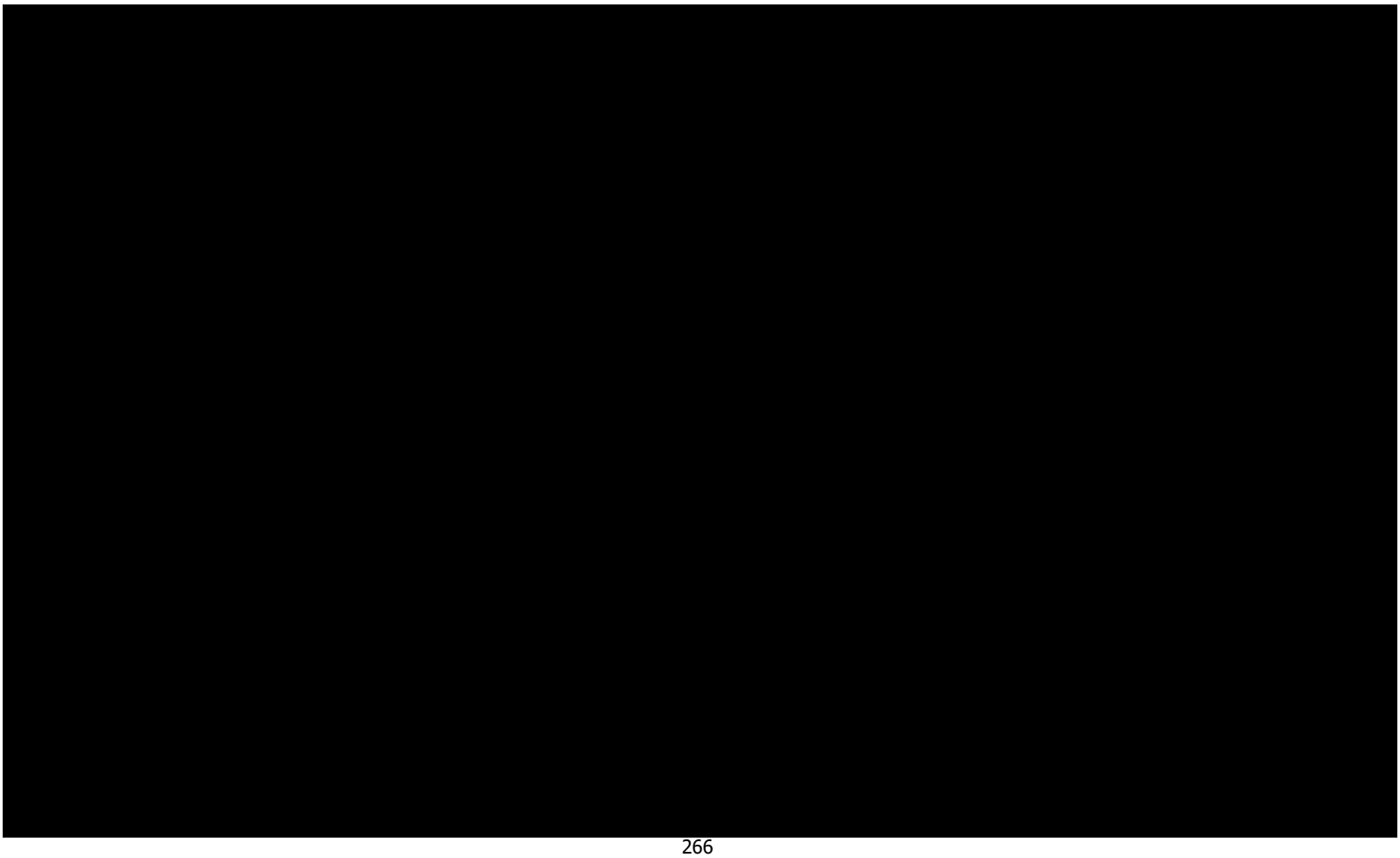































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Sent: Tuesday, March 14, 2023 8:18 AM
To: jamie.perkins@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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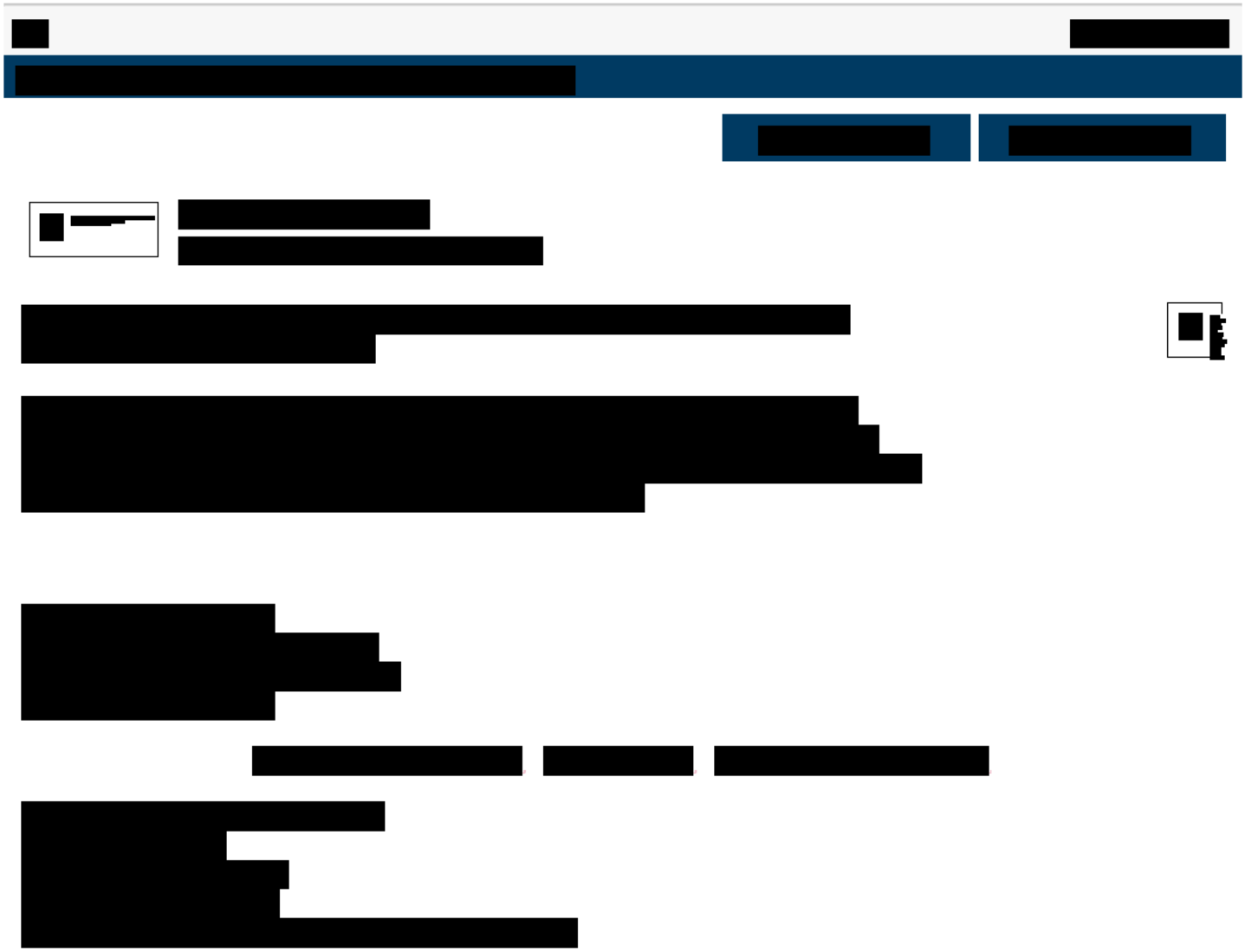
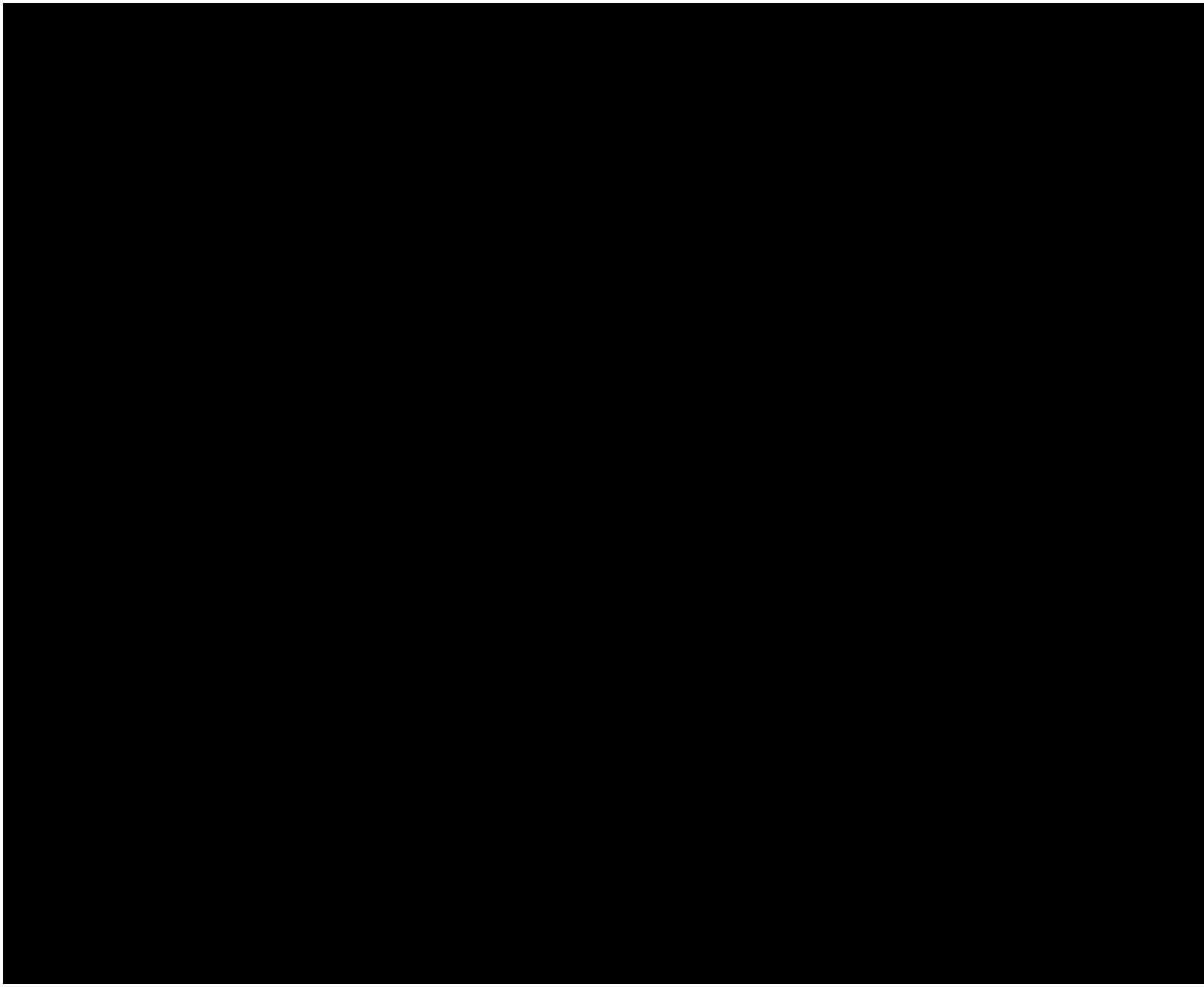
Julia Zaino, RN, BSN, NCSN
MA United States



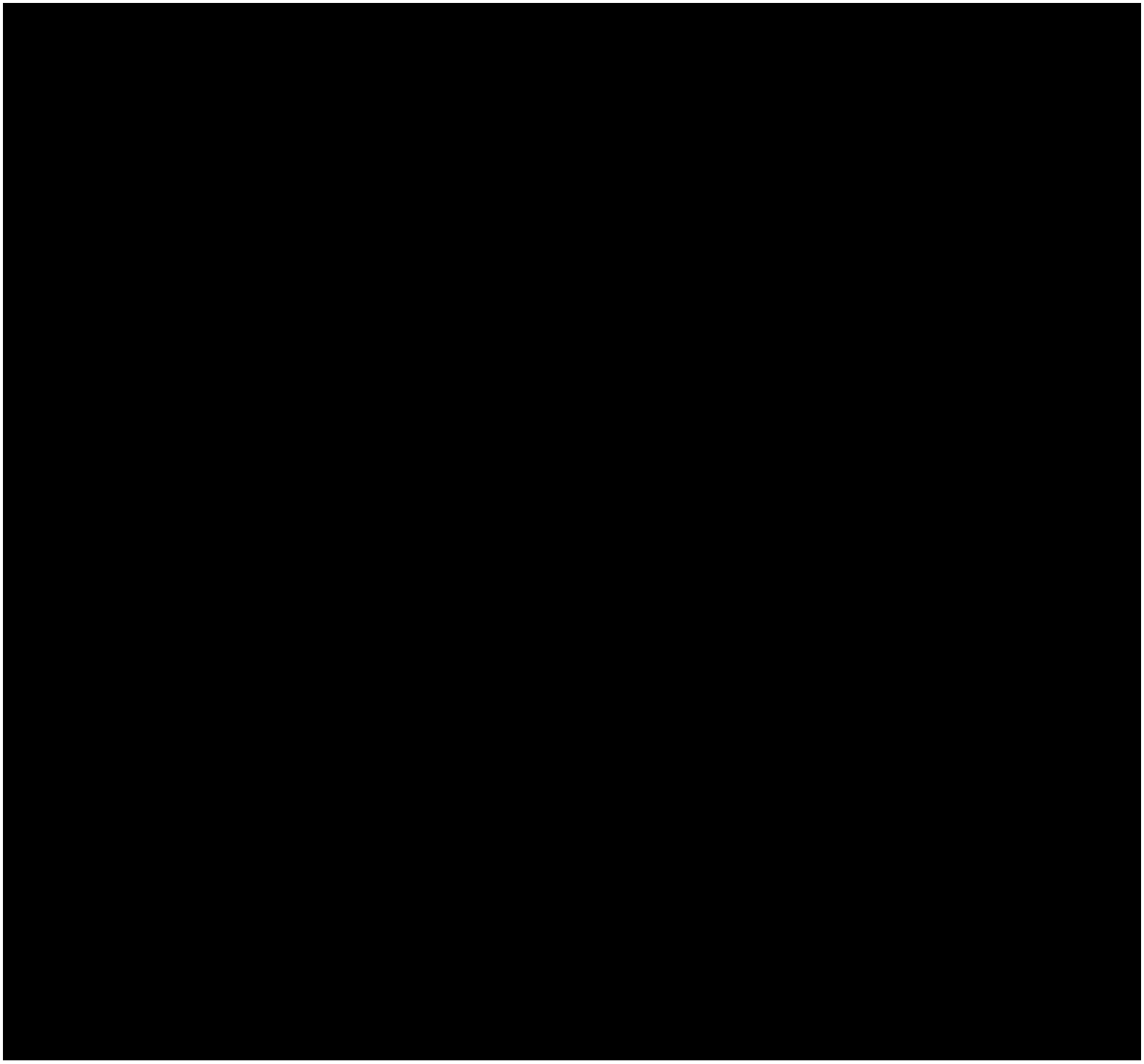


















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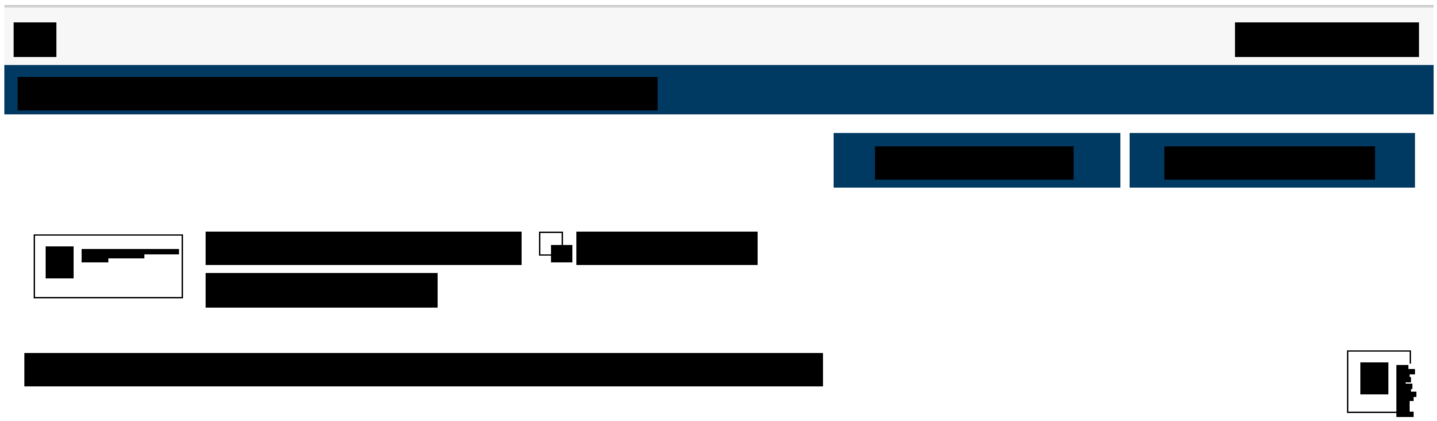

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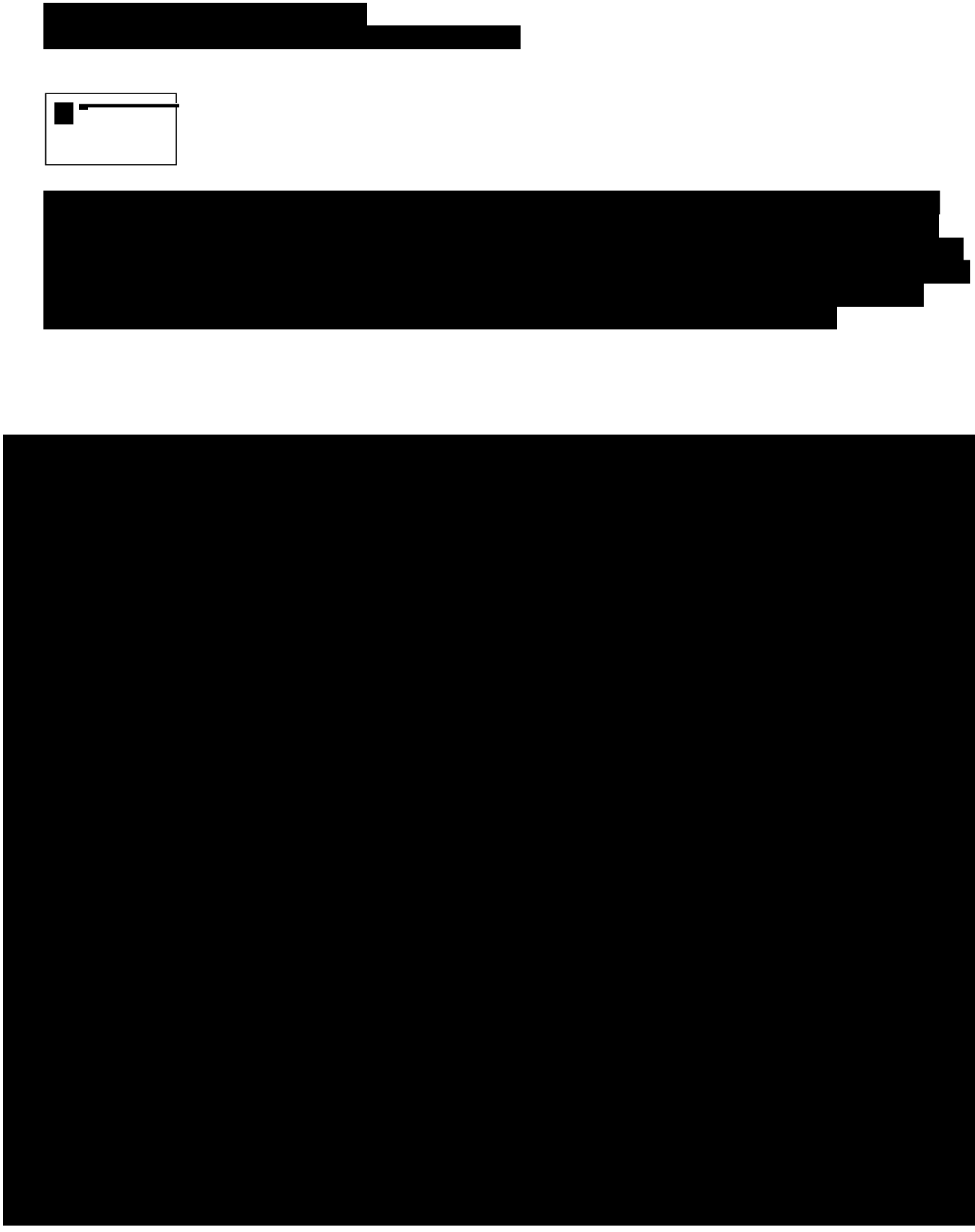





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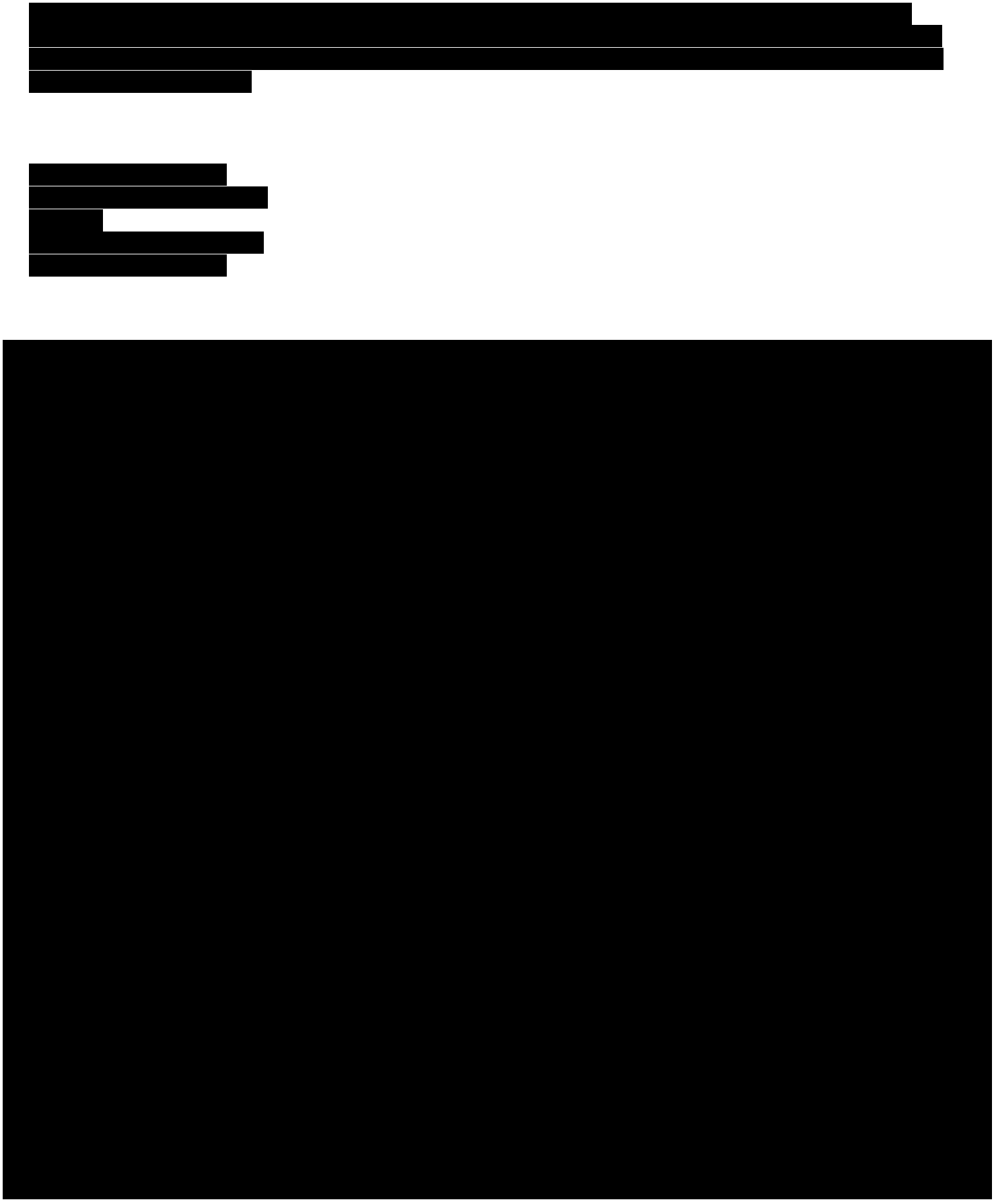









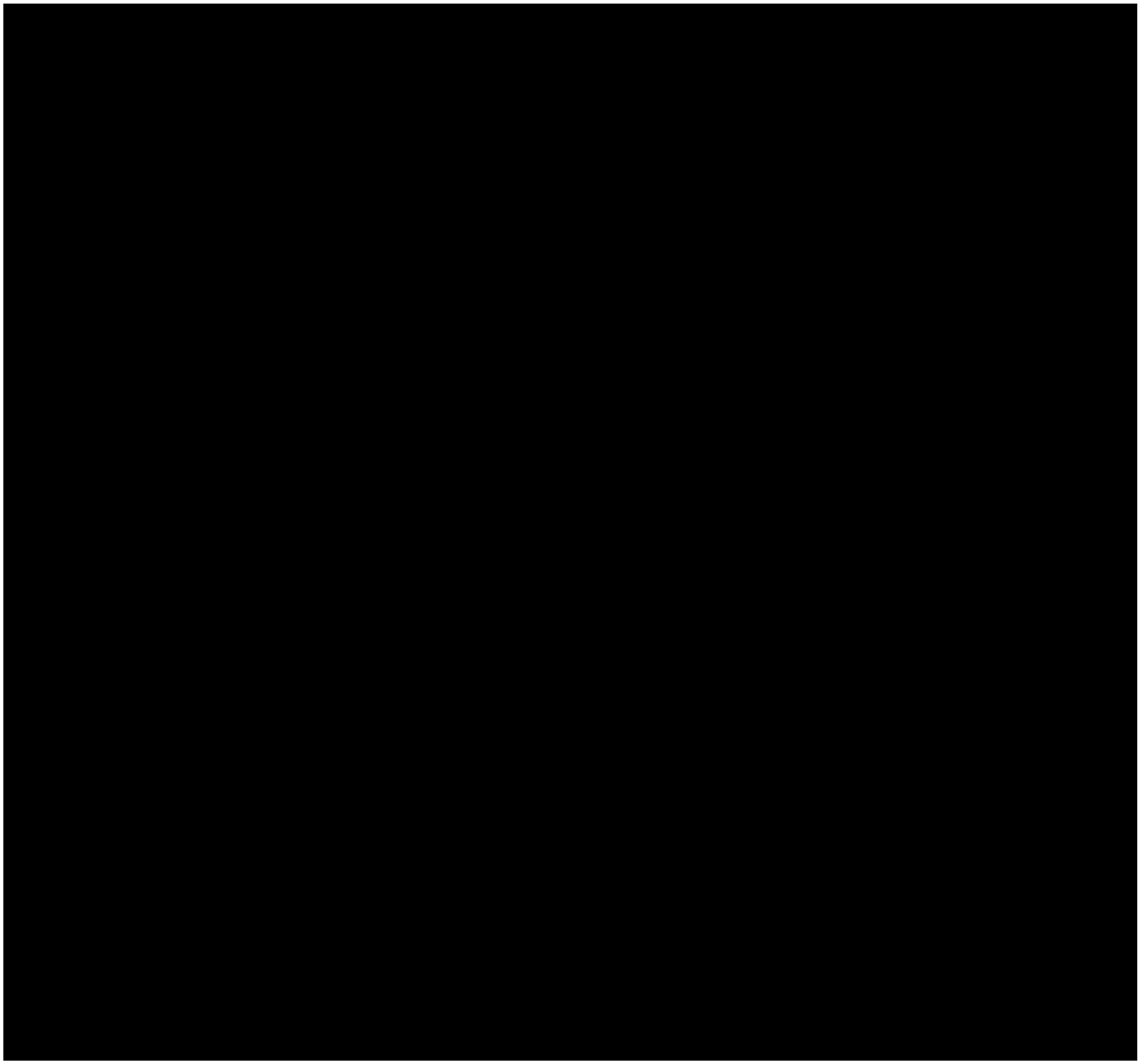



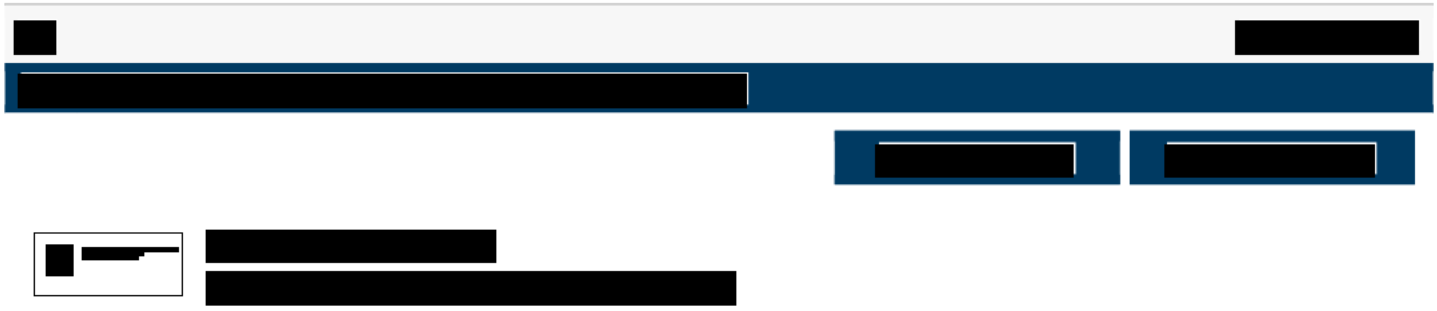



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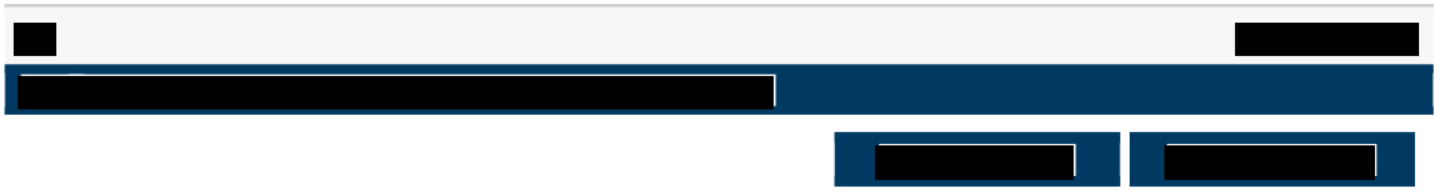















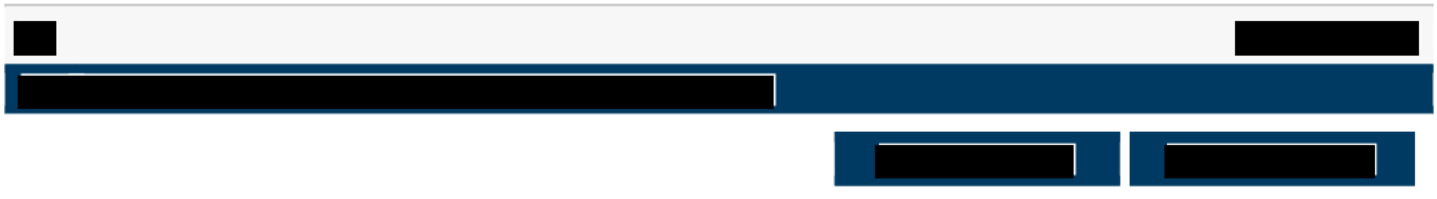

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From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:18 AM
To: leslie.mildish@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

started 19 hours ago, katie doering (0 replies)

[redacted]

Gender Identity

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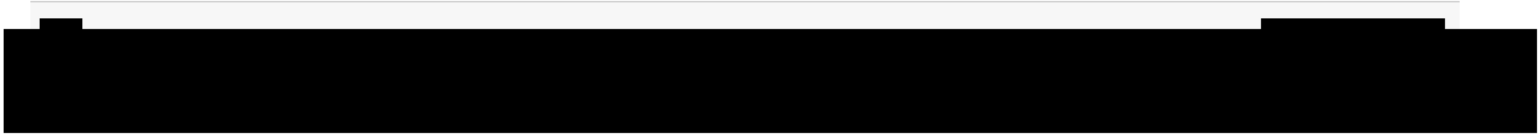







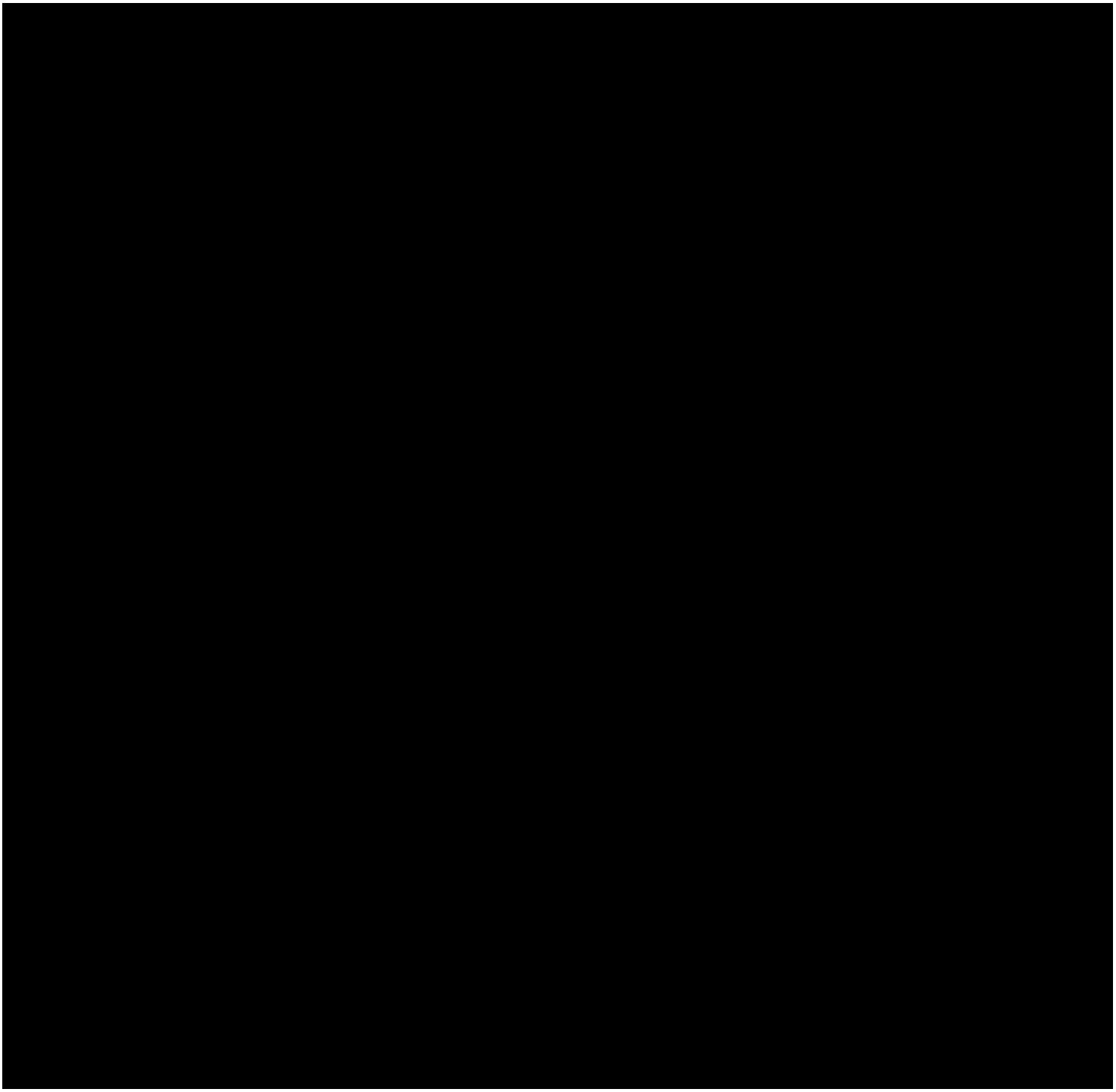



[redacted]

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8. Re: Gender Identity

Reply to Group Reply to Sender

[redacted] Mar 13, 2023 8:24 AM
Heather Boyd, RN, BSN

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Good luck!

Sincerely,

Heather

Heather Boyd RN, BSN
Lincoln Akerman School
Hampton Falls, NH United States

Reply to Group Online | View Thread | Recommend | Forward

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MA United States
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9. Re: Gender Identity

Reply to Group | Reply to Sender



Mar 13, 2023 8:43 AM
Tracy Chupp, NCSN, RN, BSN



Hi Julia,

I took a course on here that was super helpful!

learn.nasn.org/courses/47755

Good Luck!

Tracy

Tracy Chupp, RN, BSN, NCSN
Southport High School
Indianapolis, Indiana USA

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Mar 13, 2023 9:22 AM
Paula Purcell, MEd, BSN, RN, CDDN

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5. Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment:
www.doe.mass.edu/sfs/lgbtq/genderidentity.html

6. Massachusetts Transgender Political Coalition
www.masstpc.org/mission-values

Paula Purcell M.Ed, BSN, RN, CDDN
School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

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Julia Zaino, RN, BSN, NCSN
MA United States
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Mar 13, 2023 12:46 PM
Claire Molner, MEd, NCSN, RN, BS, AASN



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[Claire [Molner] [RN NCSN]

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12. Re: Gender Identity



Mar 13, 2023 1:07 PM
Kat Goodell, ADN-RN, ASN



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Hope this gets you started in the right direction!

www.3rs.org/download-3rs

https://amaze.org/

Kat Goodell ADN-RN, ASN
Westminster Schools
Westminster, VT United States

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Julia Zaino, RN, BSN, NCSN
MA United States
---

top previous next

13. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 1:45 PM
Suzanne Seldess, MA-Ed

Hi there,



I found it really helpful to request our district's sex ed curriculum. I was given binders for our 6th grade, 8th grade, and high school level with the course information. It helped me understand what's being taught so I can use similar language when students come in to ask questions, etc.

Suzanne Seldess MA-Ed
San Diego, CA United States

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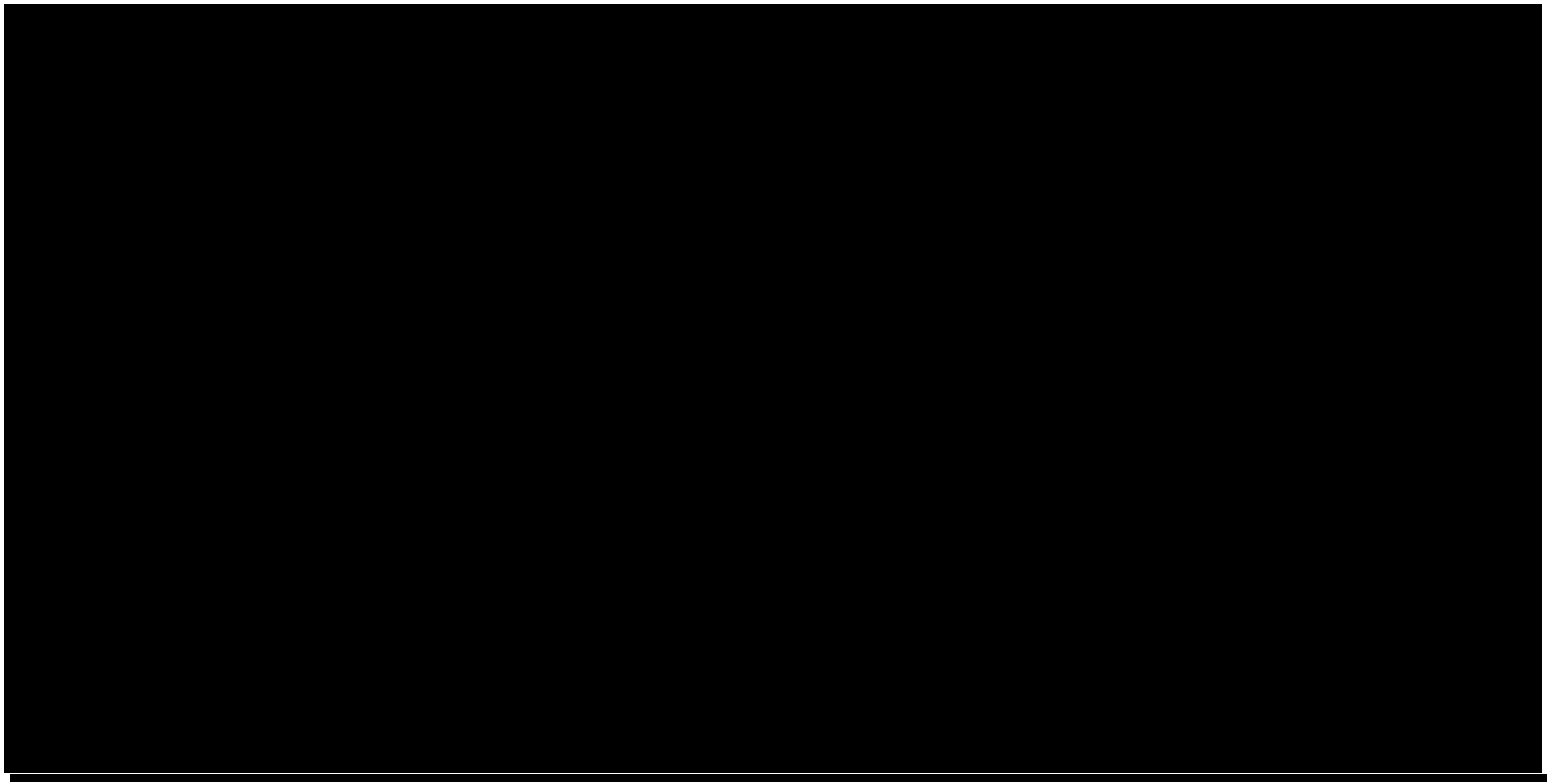
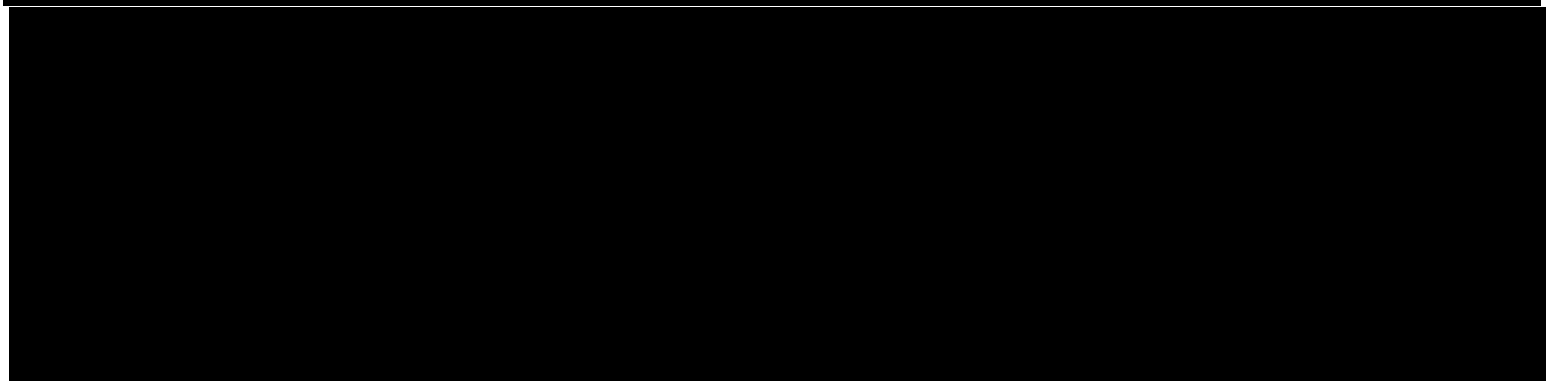
MA United States









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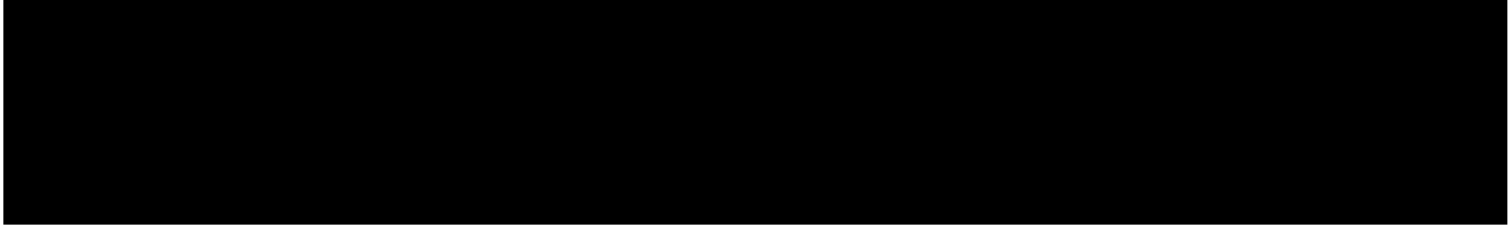













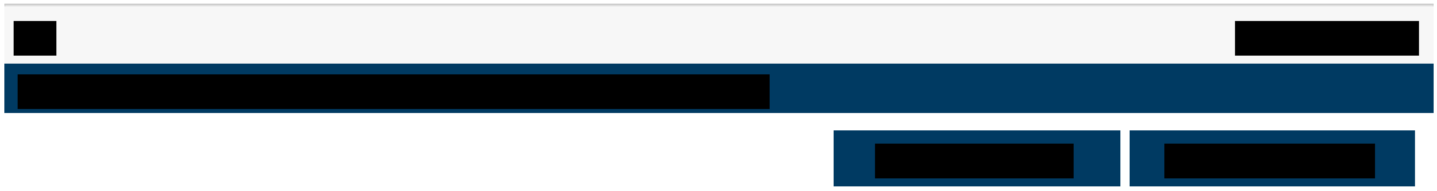









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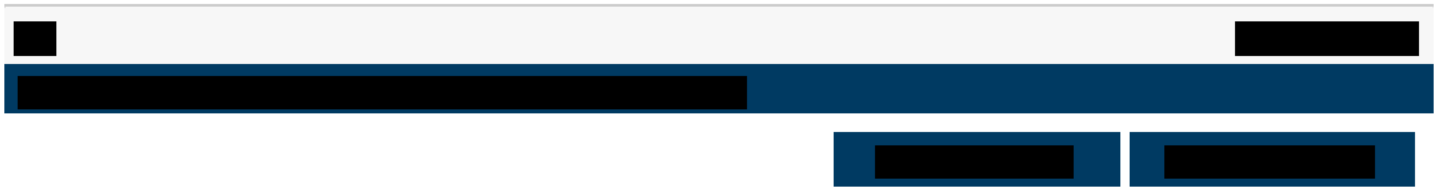





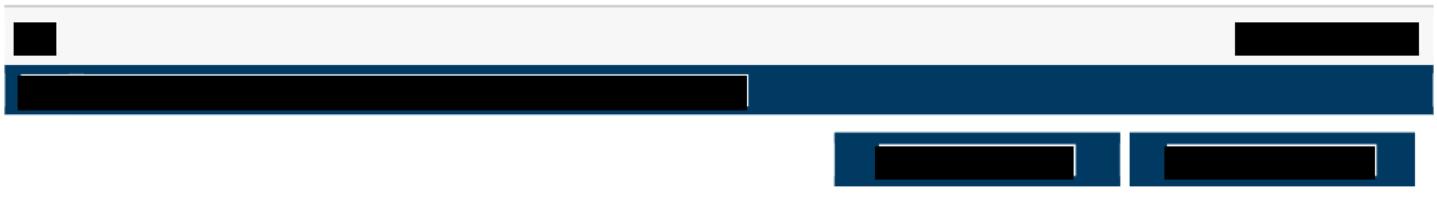



























































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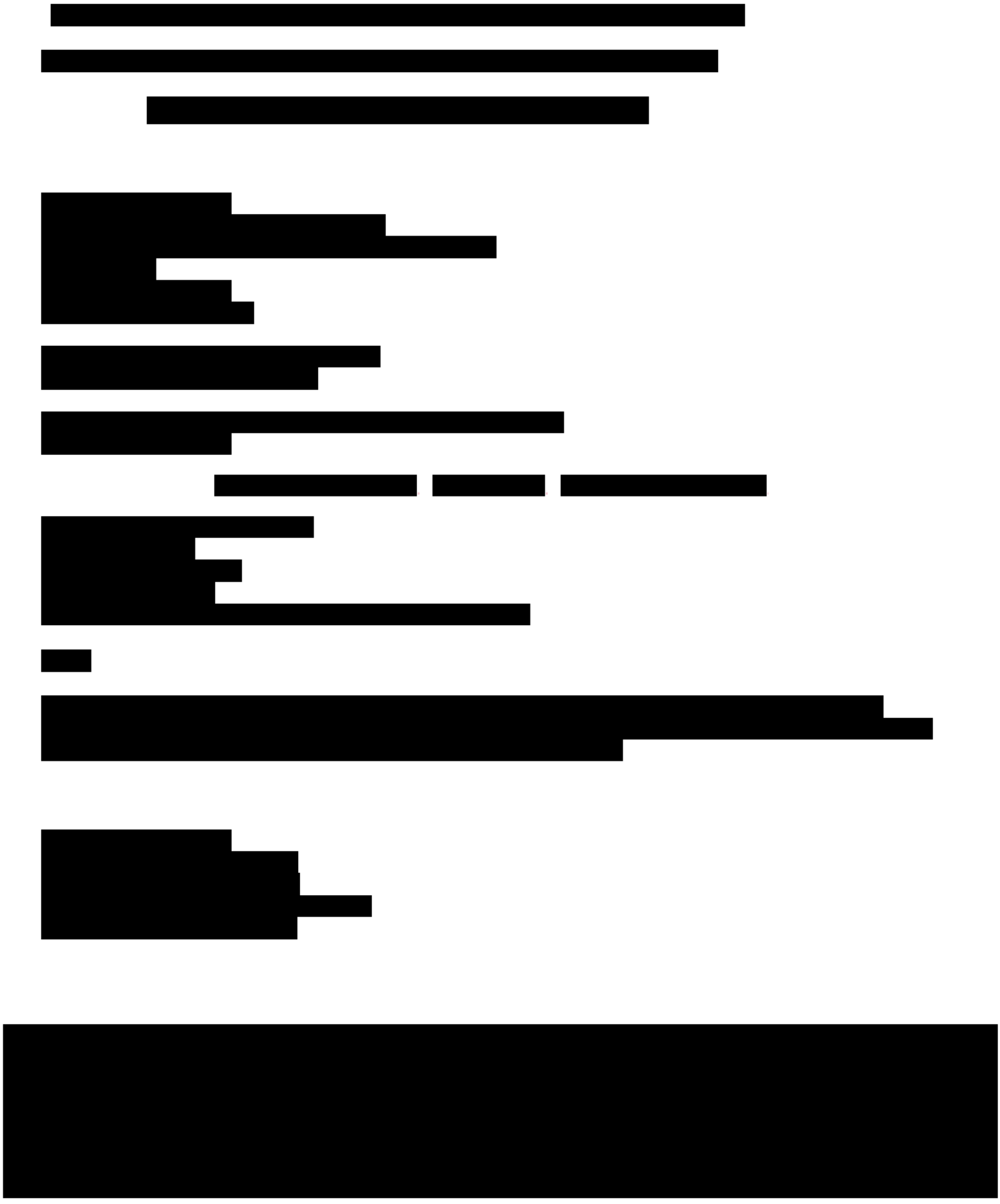







From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:17 AM
To: joanna.may@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

[redacted]

started 21 hours ago, Kim Scanapieco, BSN (0 replies)

[redacted]

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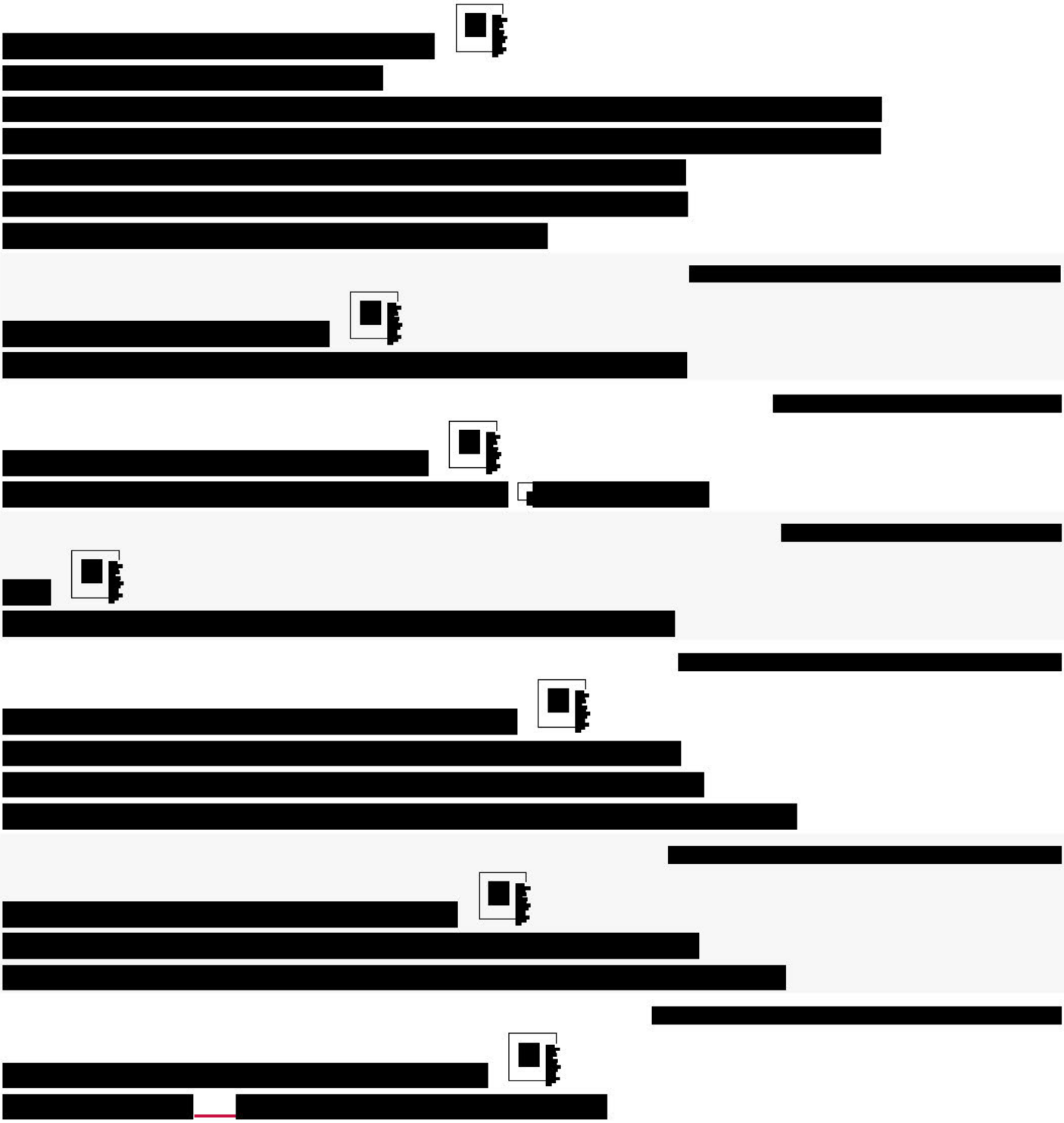



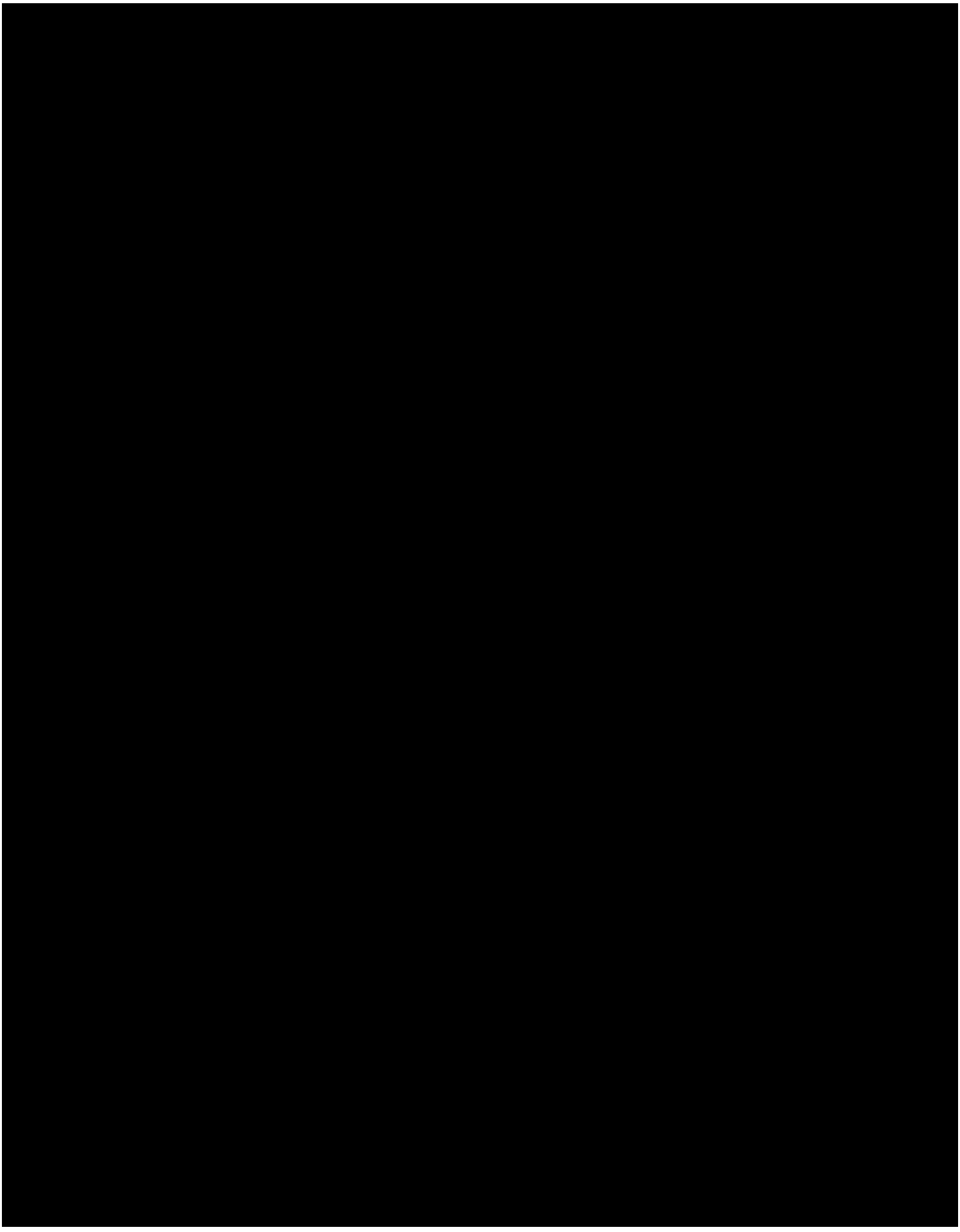

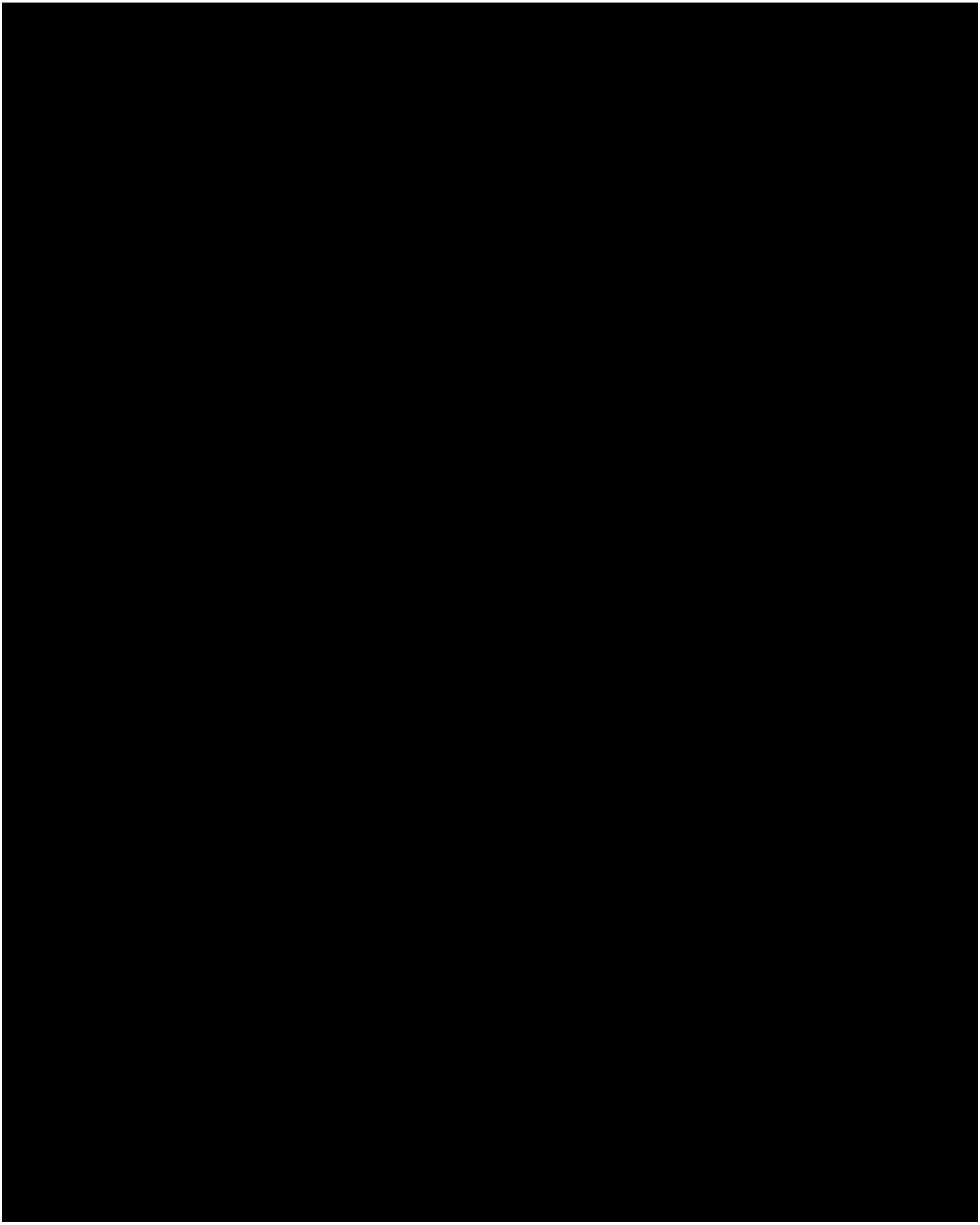

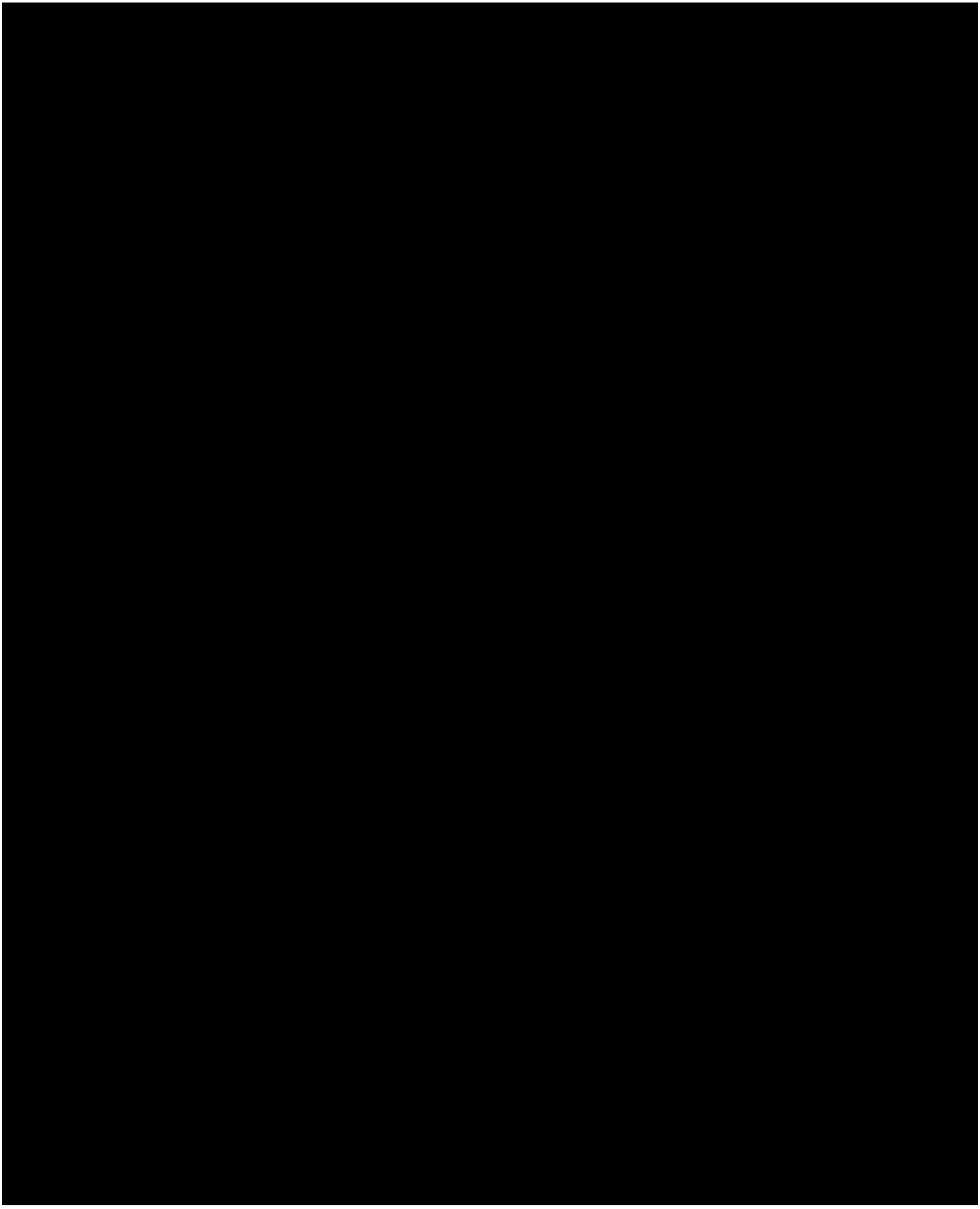

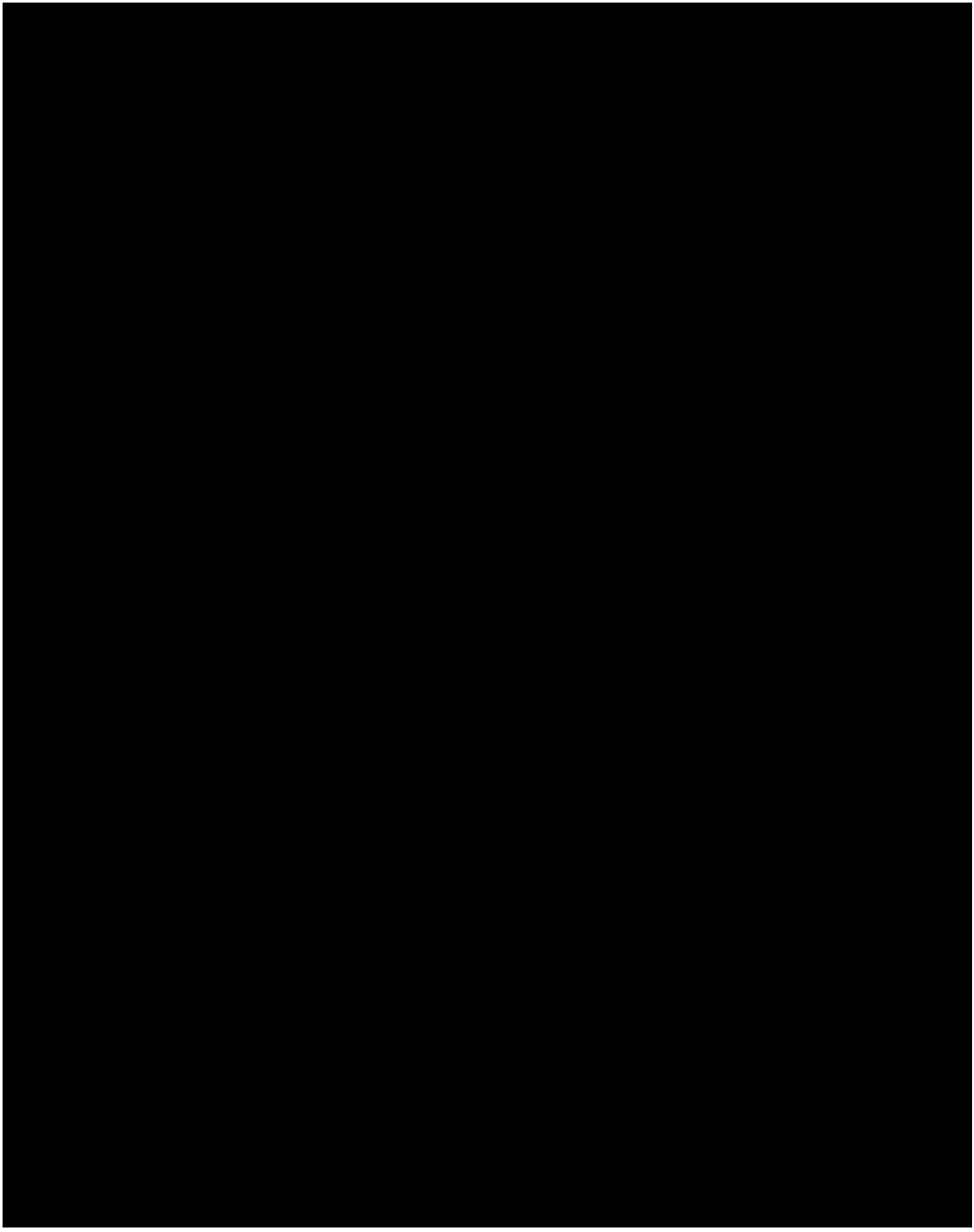

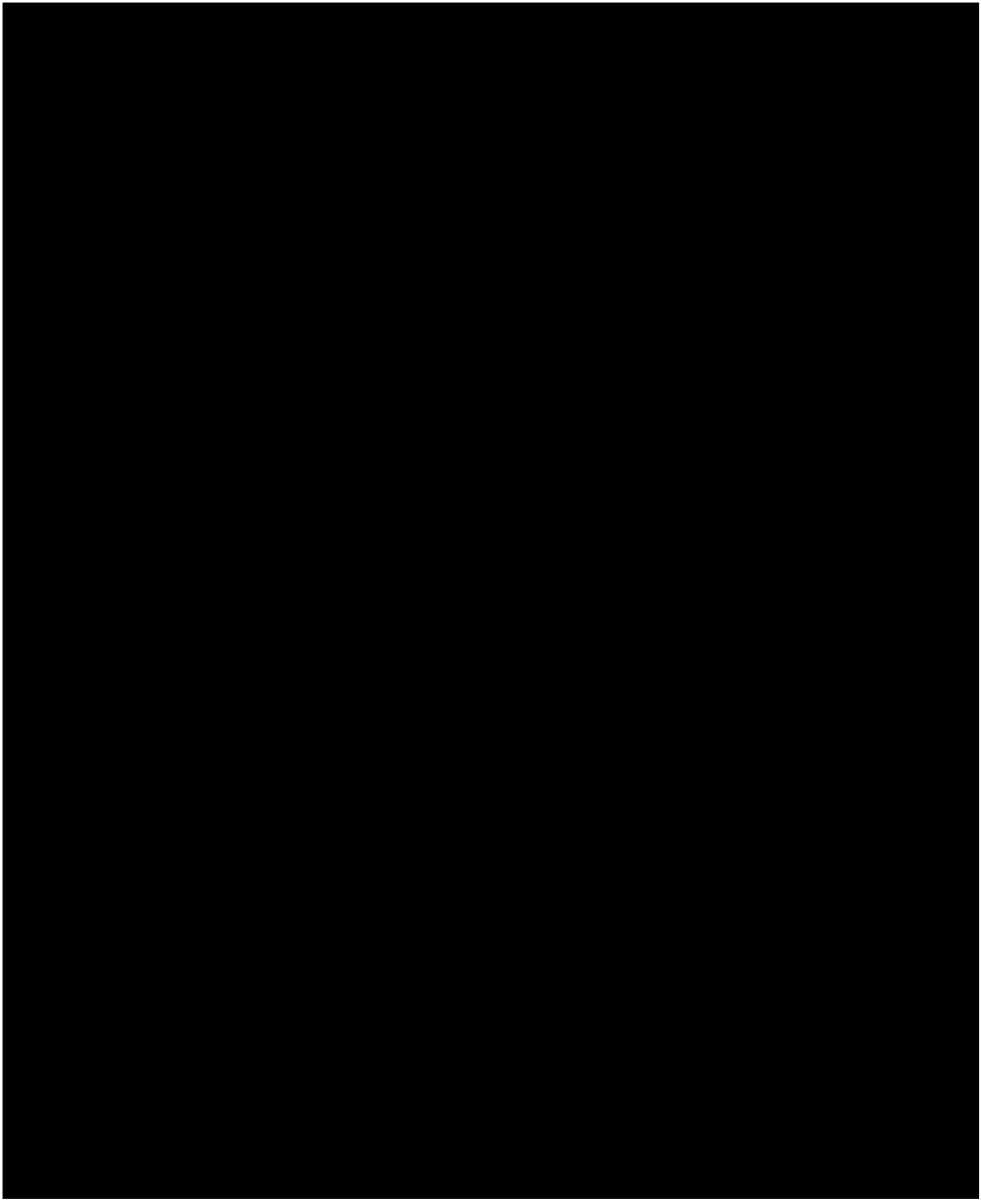

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Good Luck!

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School Nurse
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Topsfield, MA USA

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[Claire [Molner] [RN NCSN]

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Westminster, VT United States

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From: Julia Zaino
Subject: Gender Identity

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Julia Zaino, RN, BSN, NCSN
MA United States
---

13. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 1:45 PM
Suzanne Seldess, MA-Ed



Hi there,

I found it really helpful to request our district's sex ed curriculum. I was given binders for our 6th grade, 8th grade, and high school level with the course information. It helped me understand what's being taught so I can use similar language when students come in to ask questions, etc.

Suzanne Seldess MA-Ed
San Diego, CA United States

Reply to Group Online View Thread Recommend Forward

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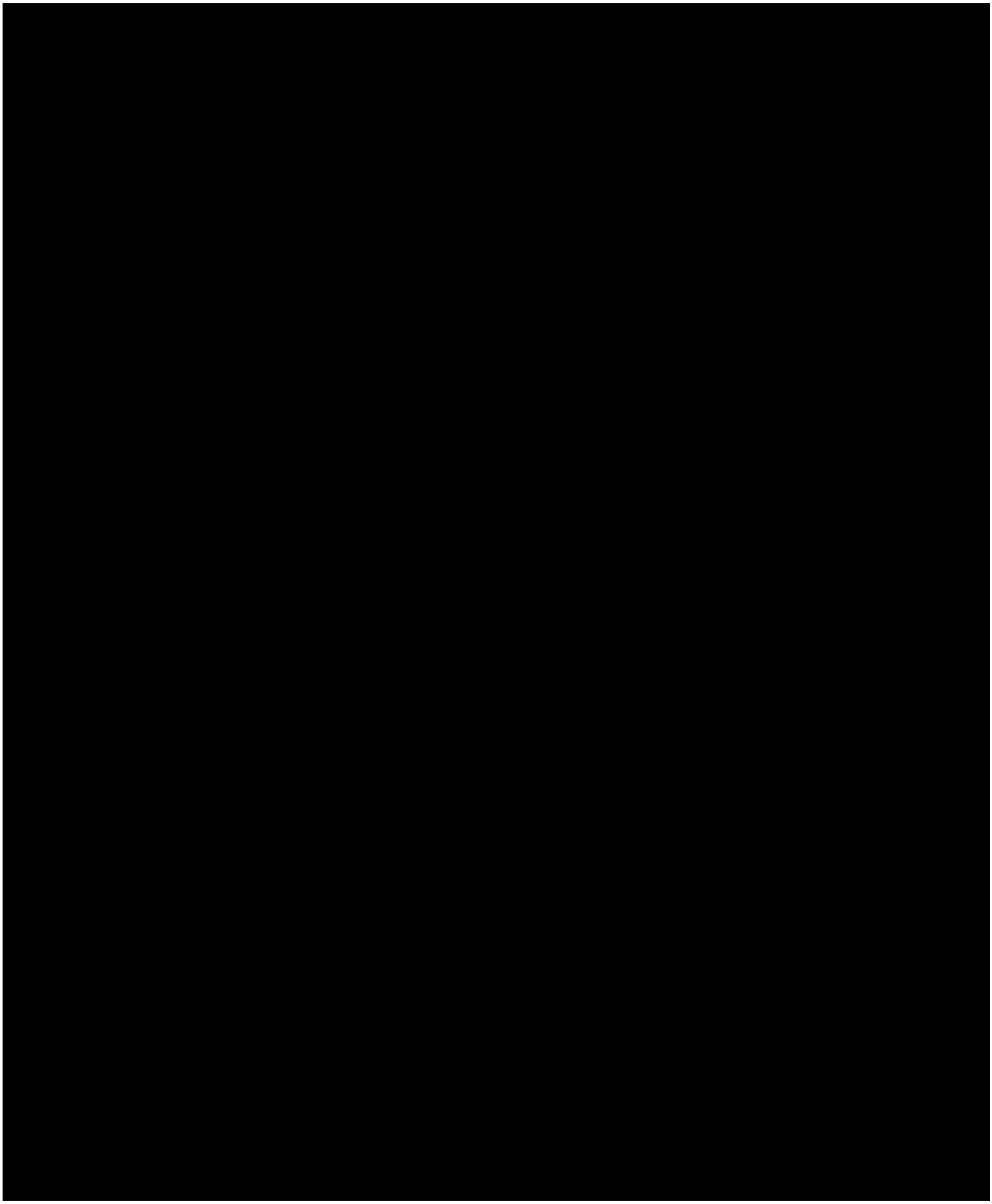
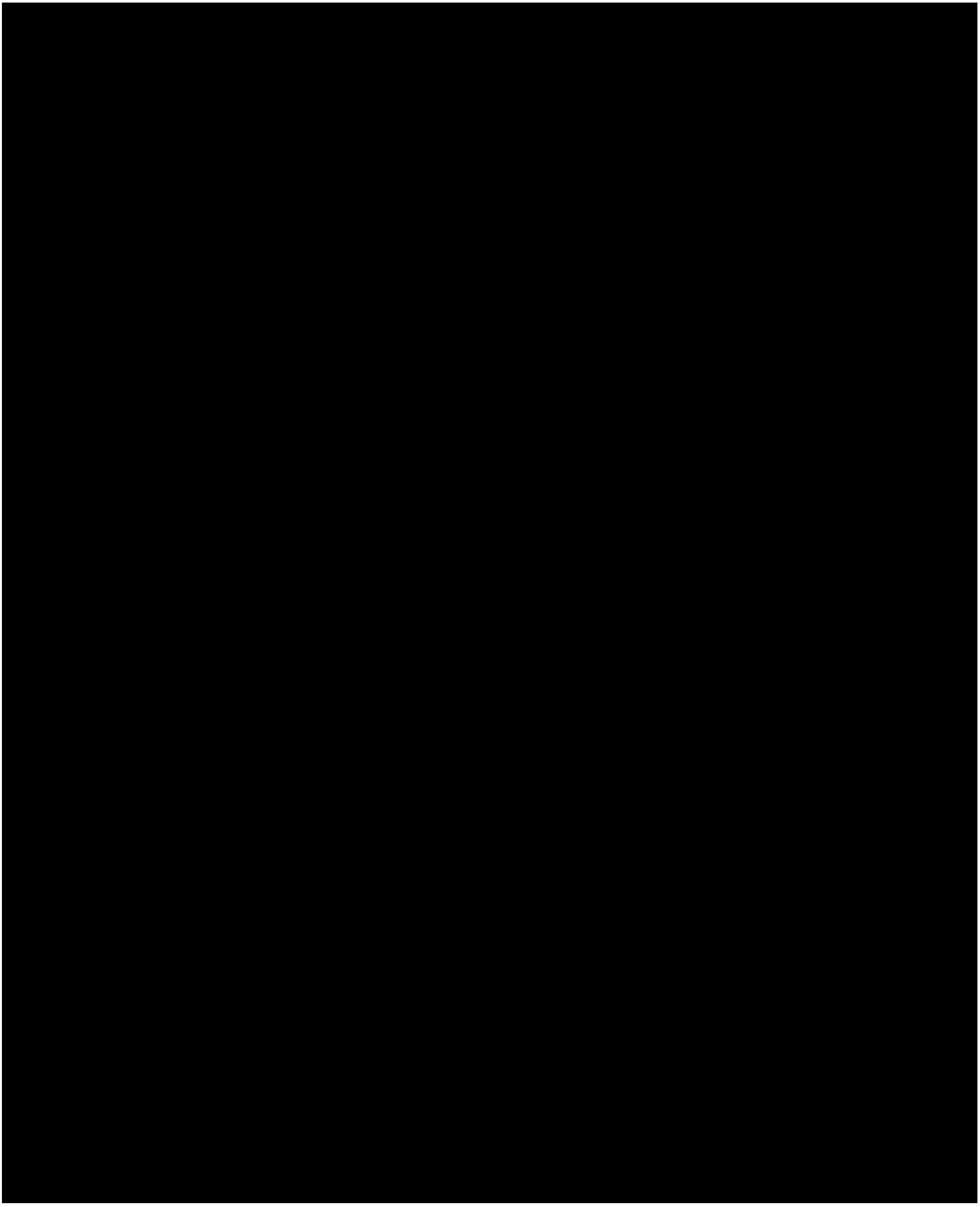
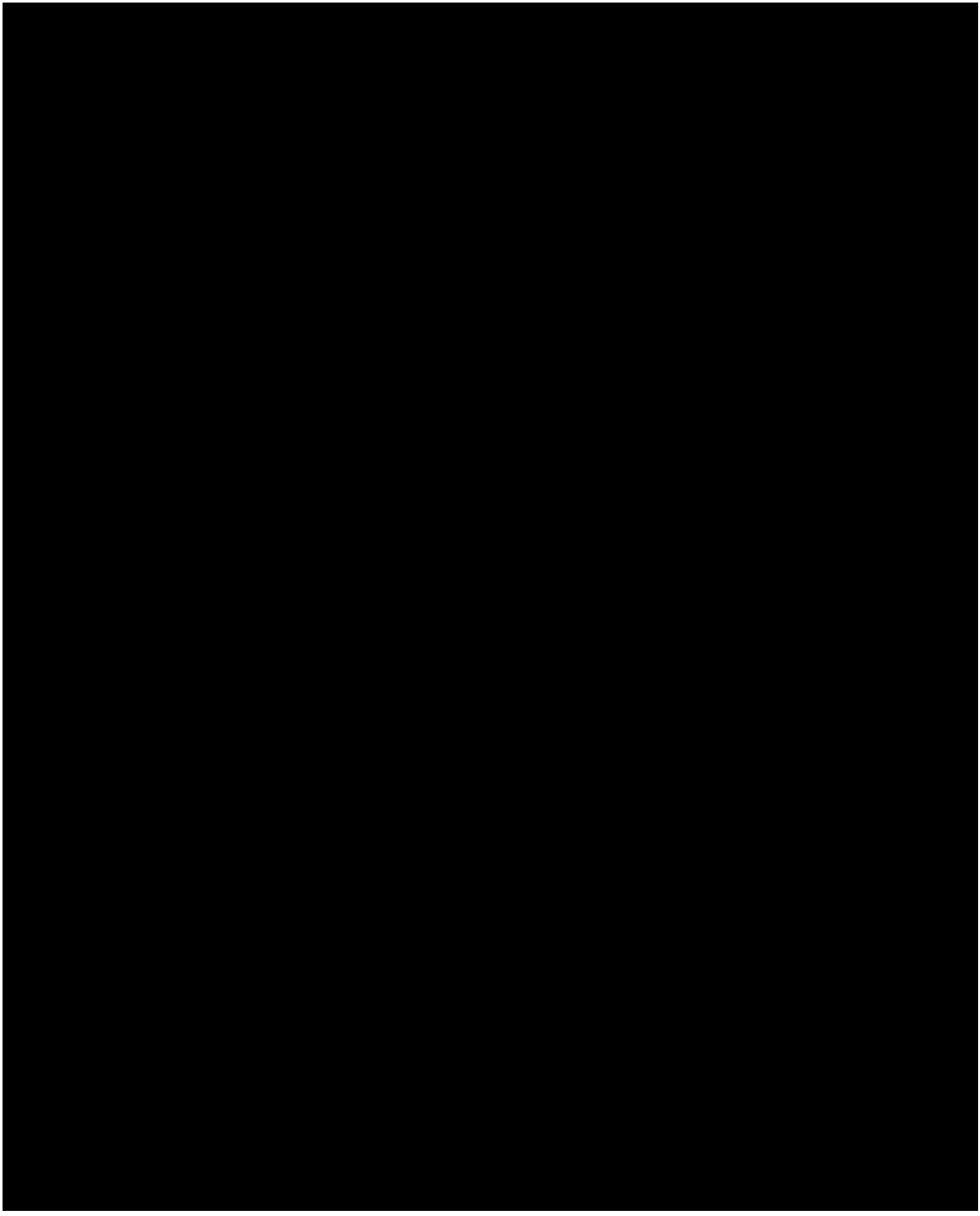
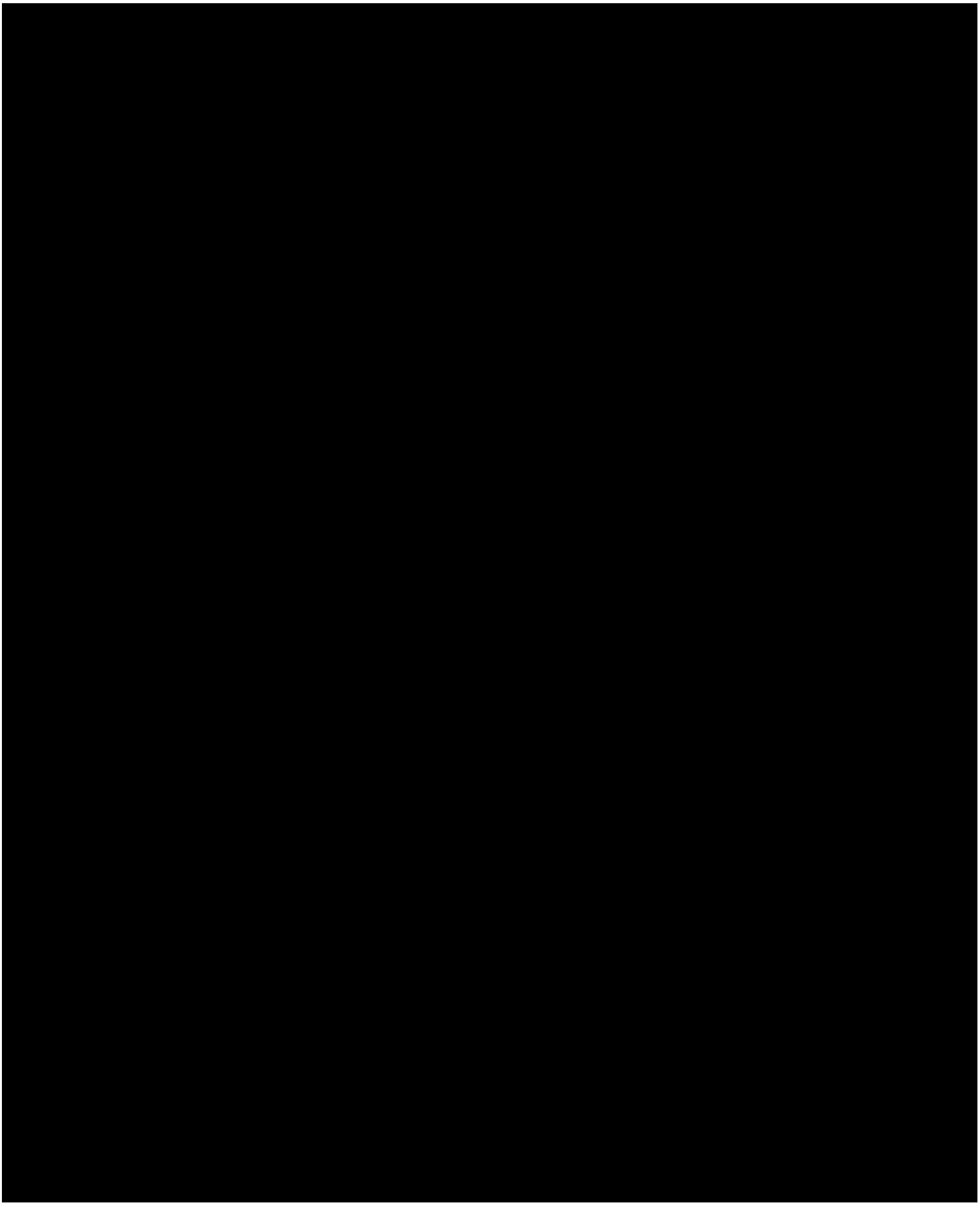
MA United States

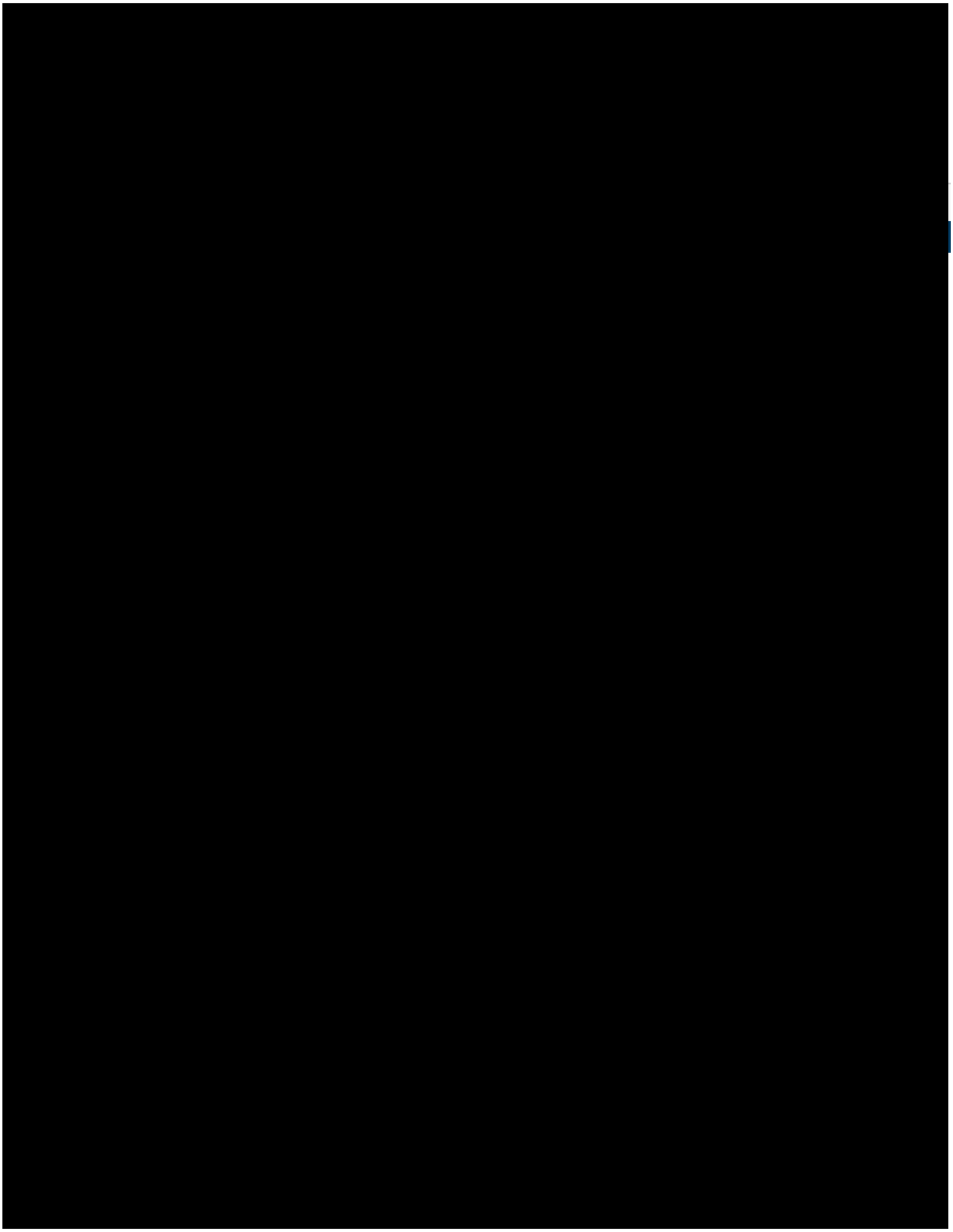


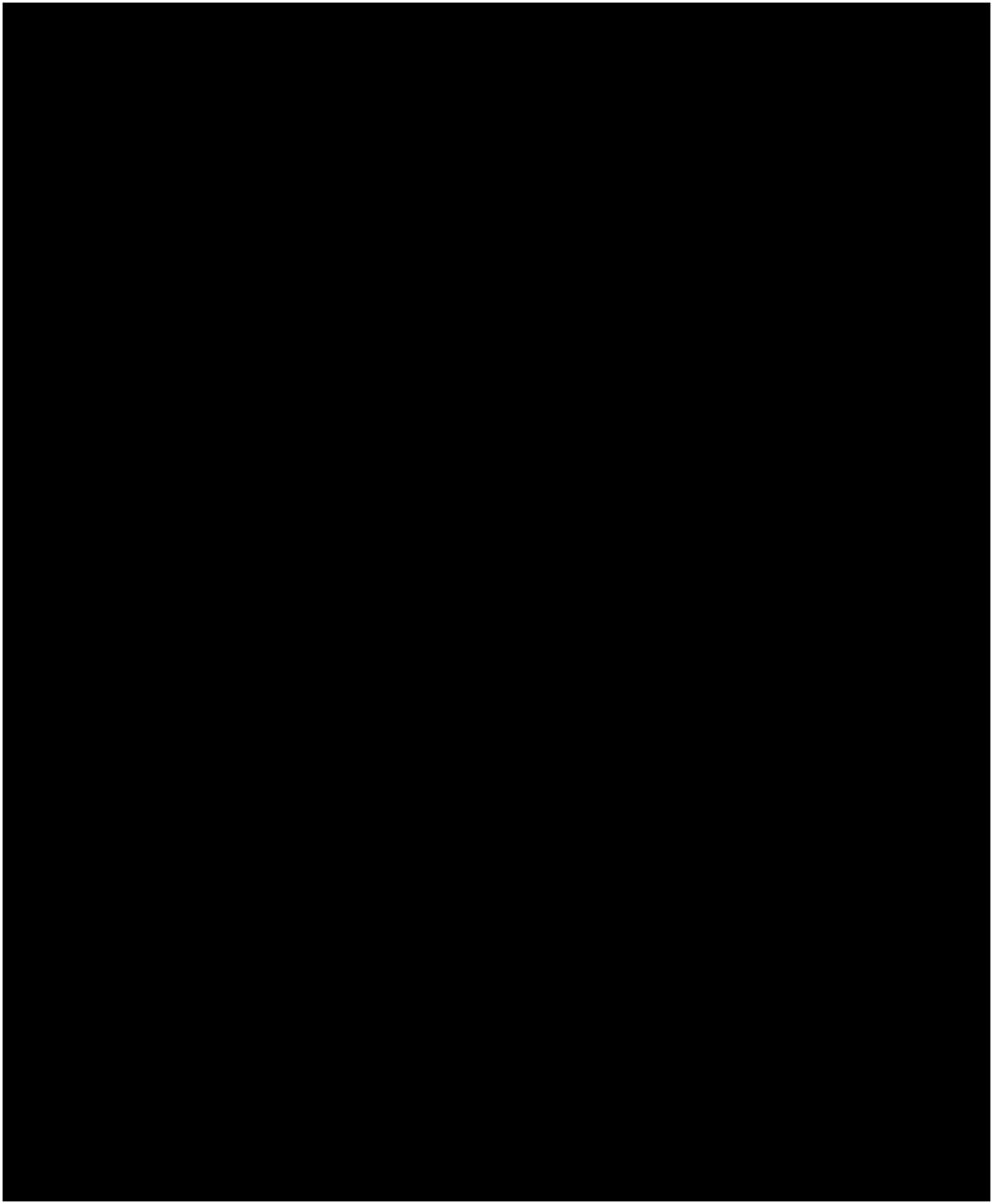


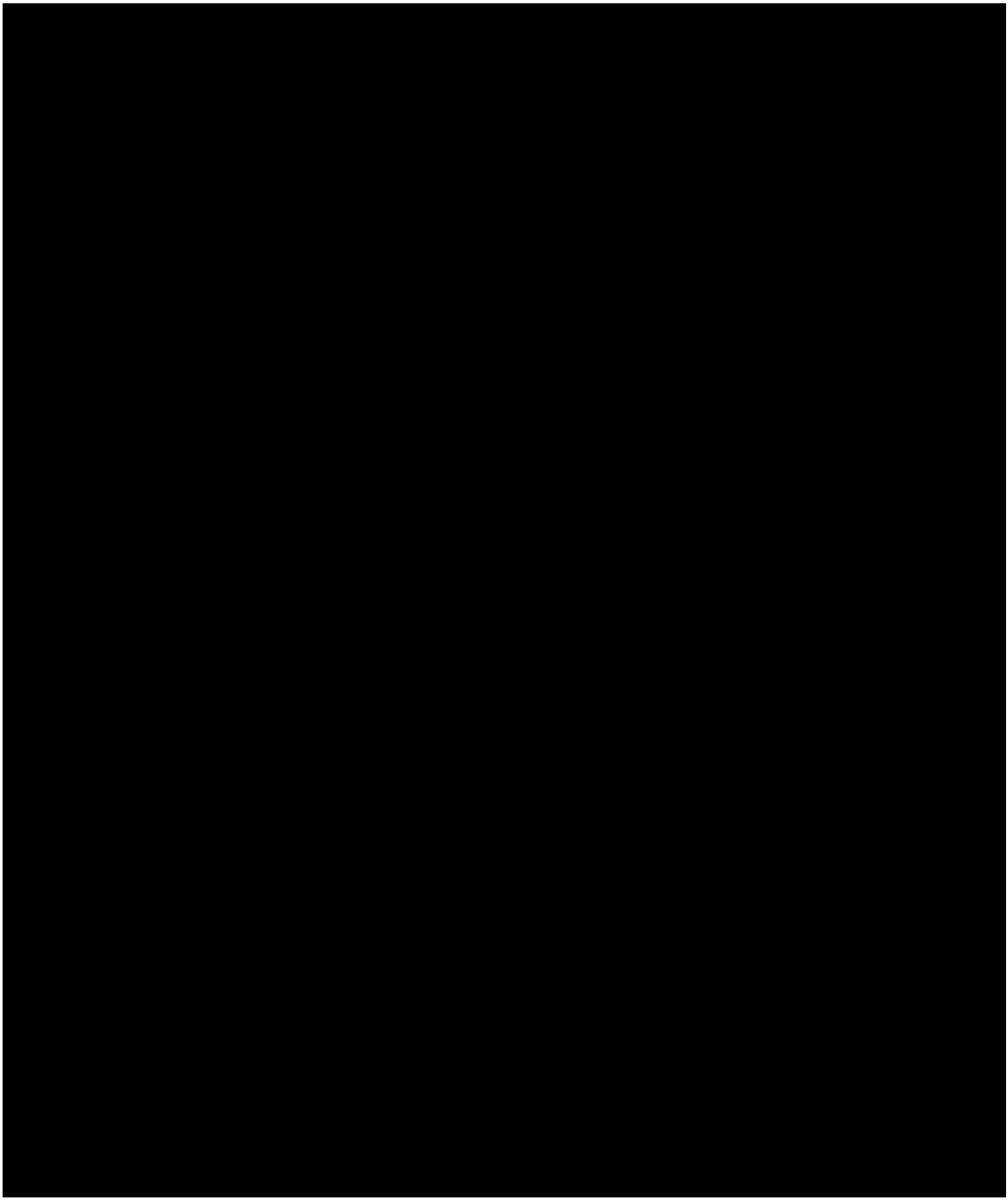


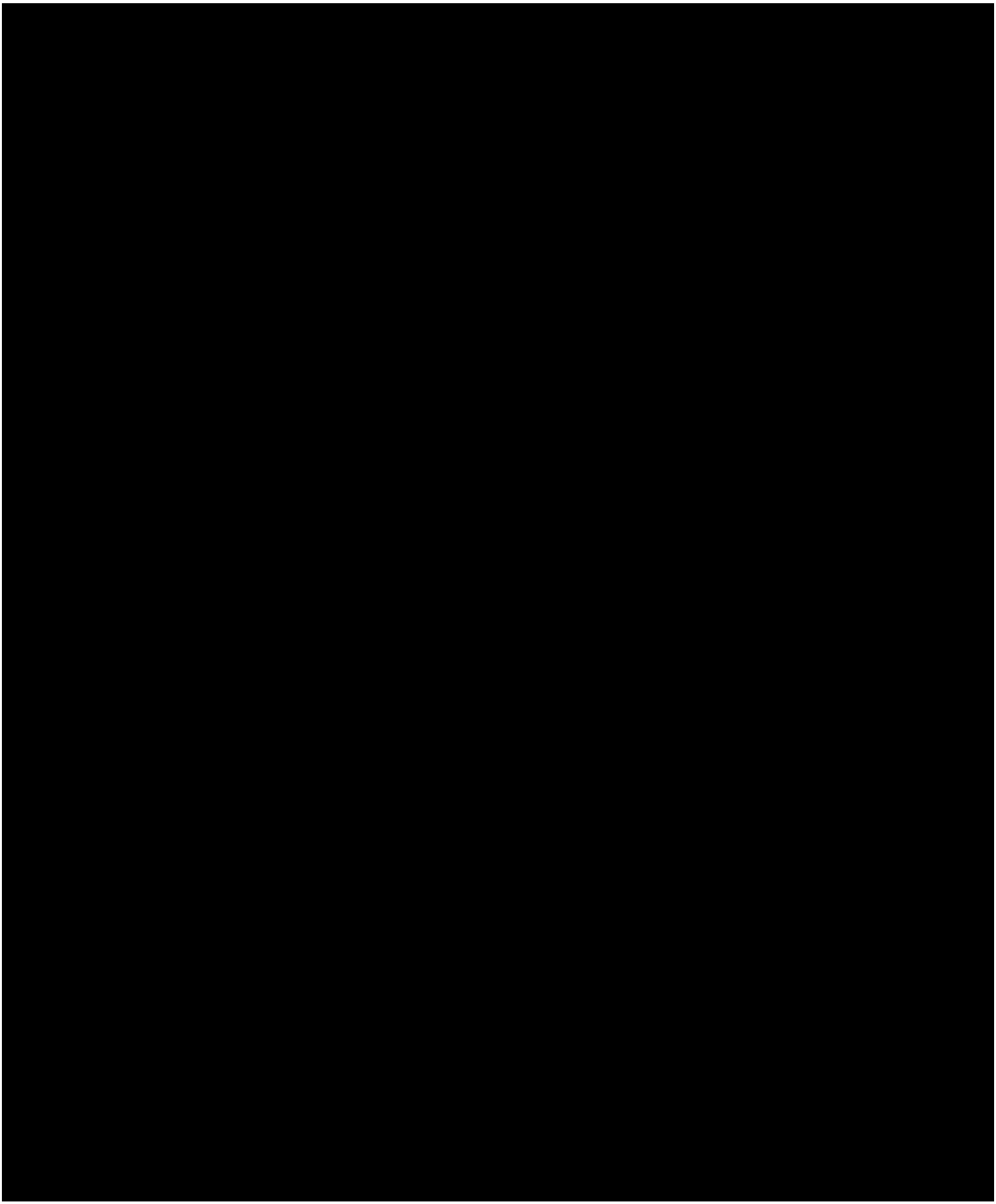


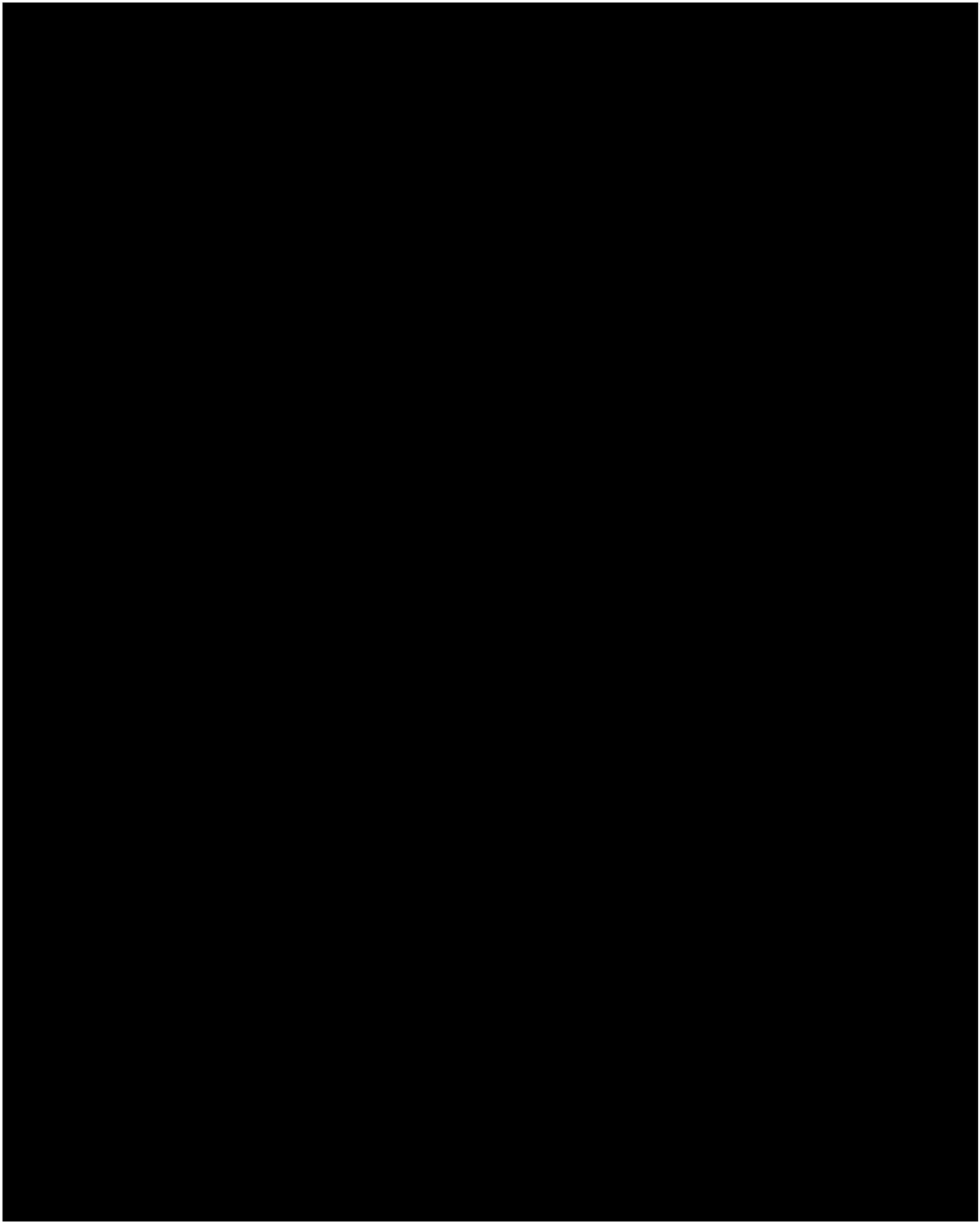


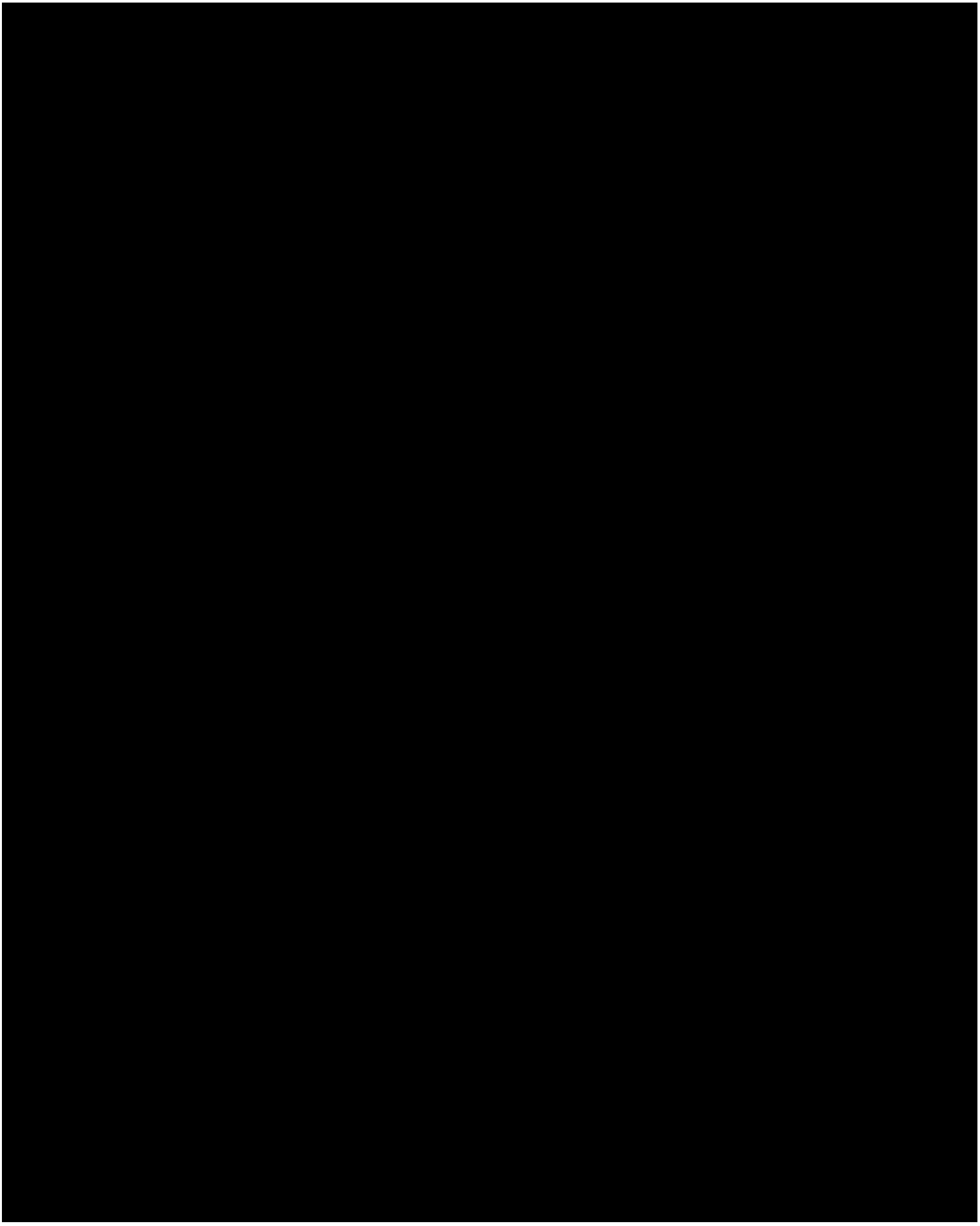


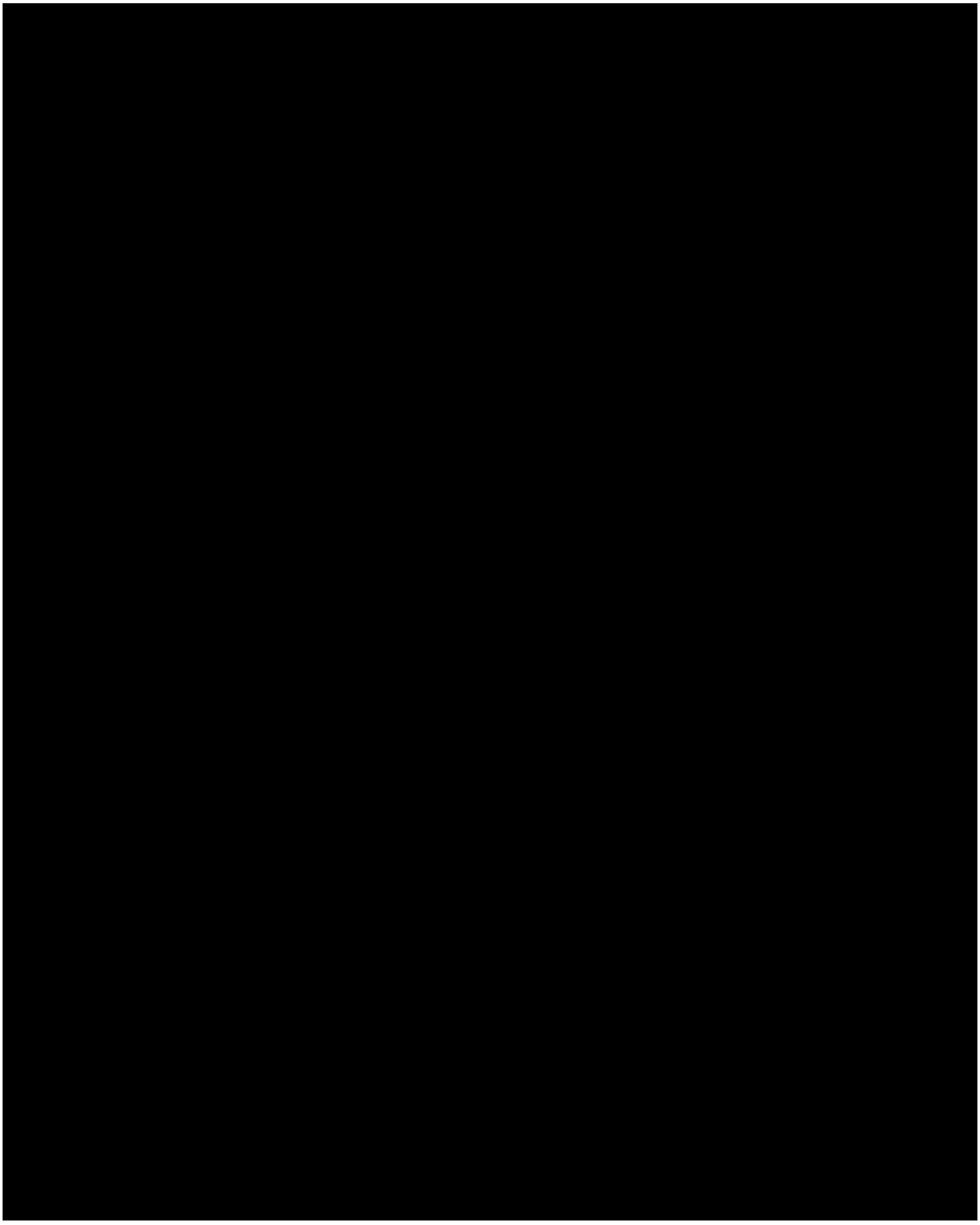


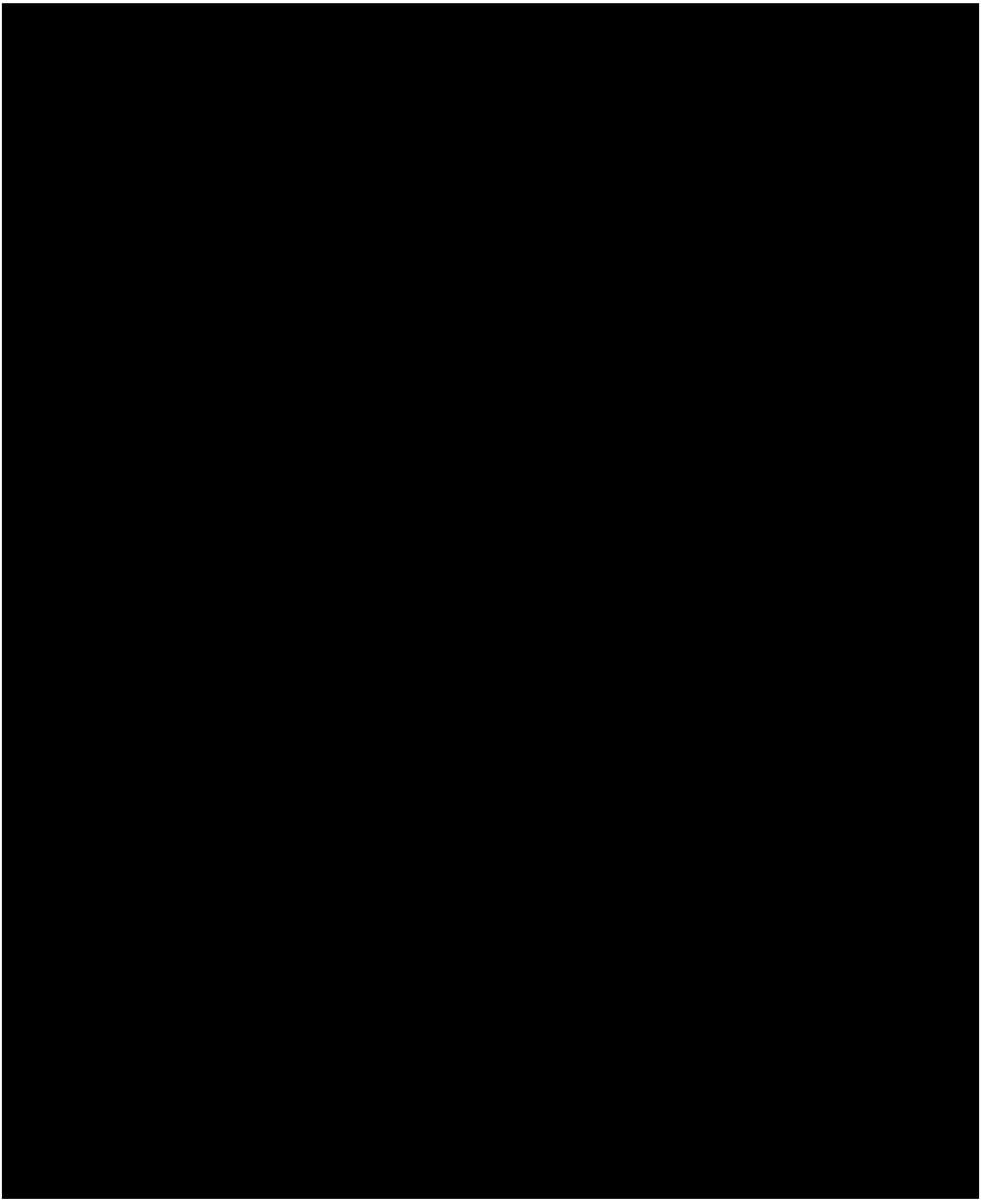


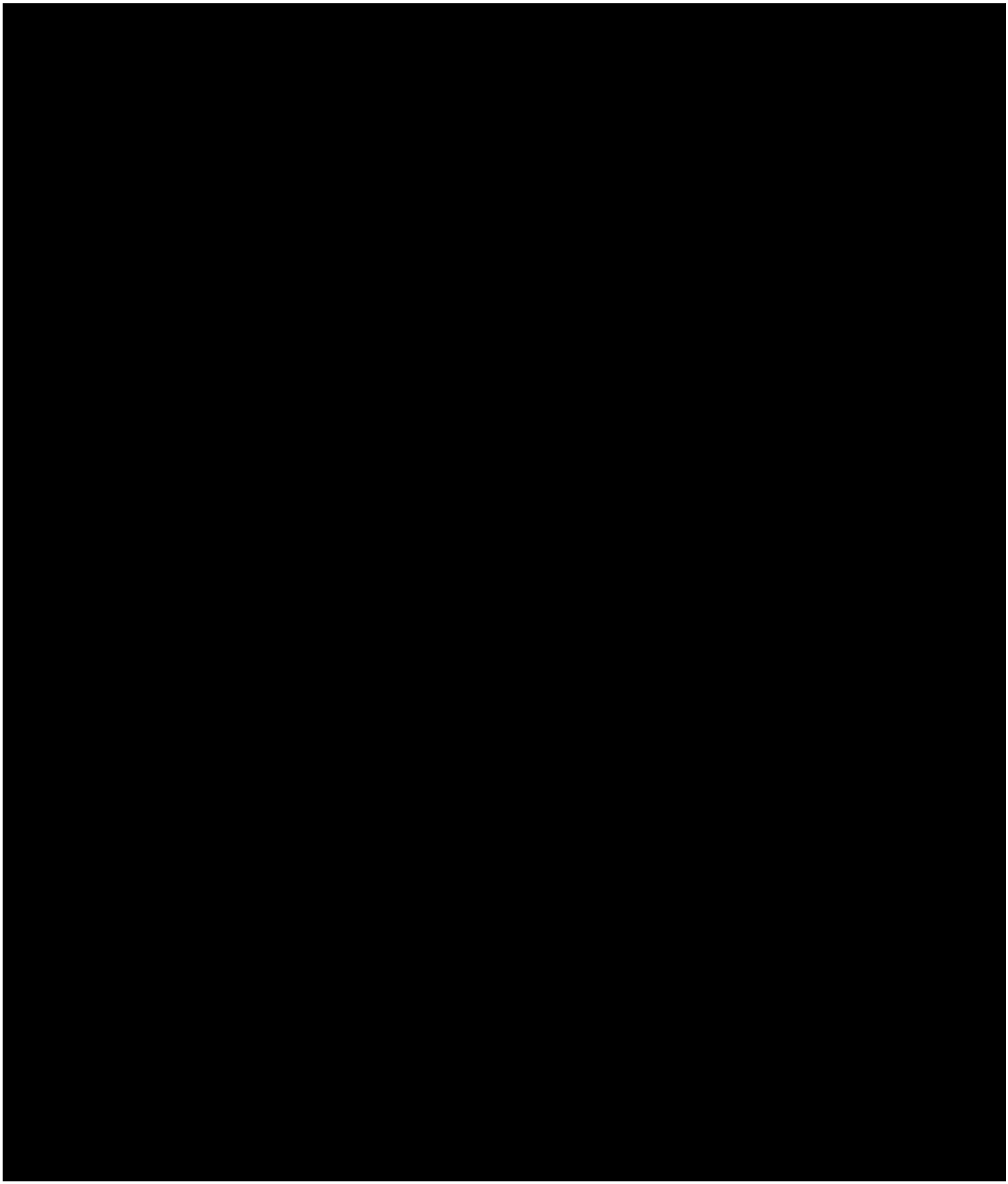


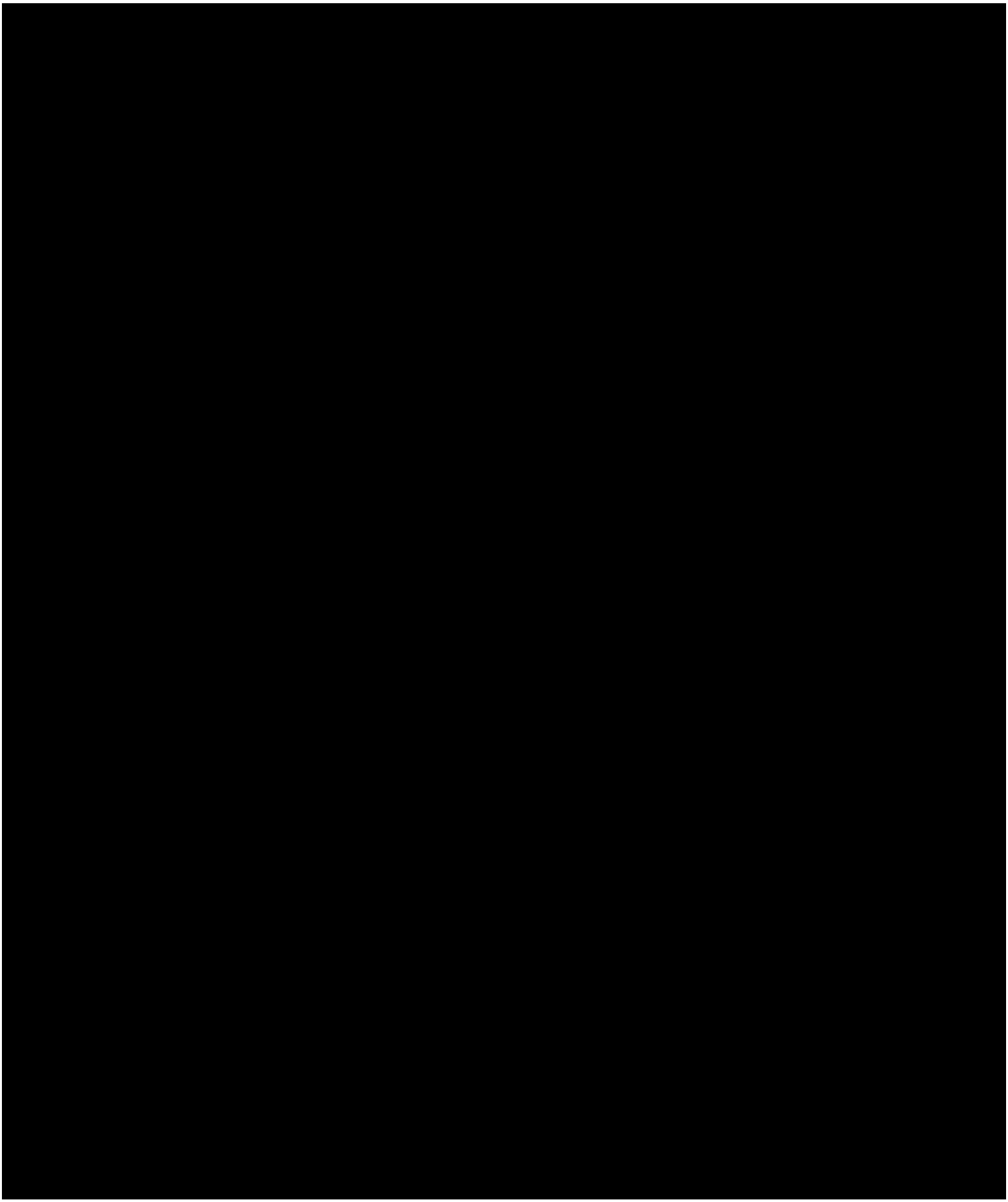


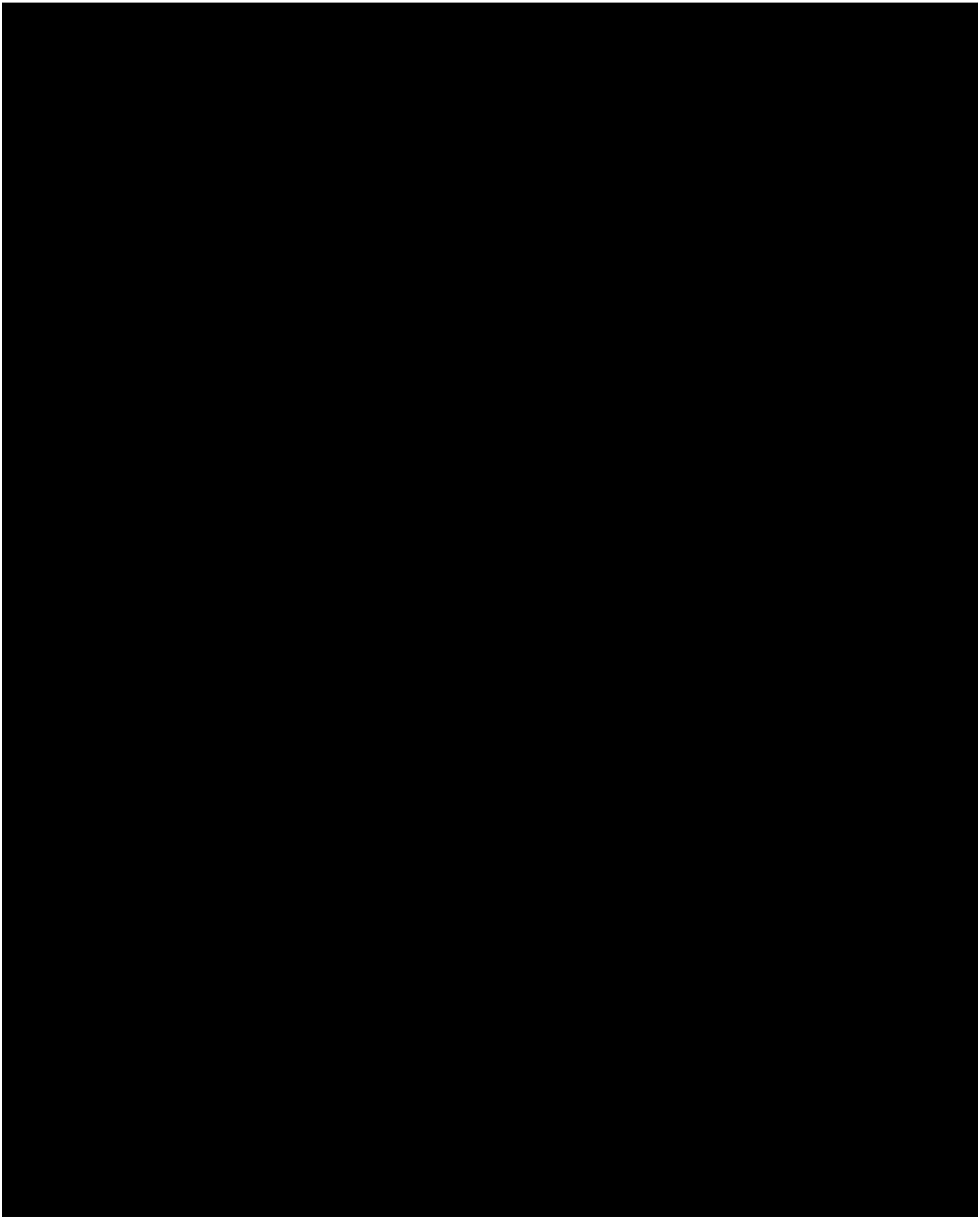


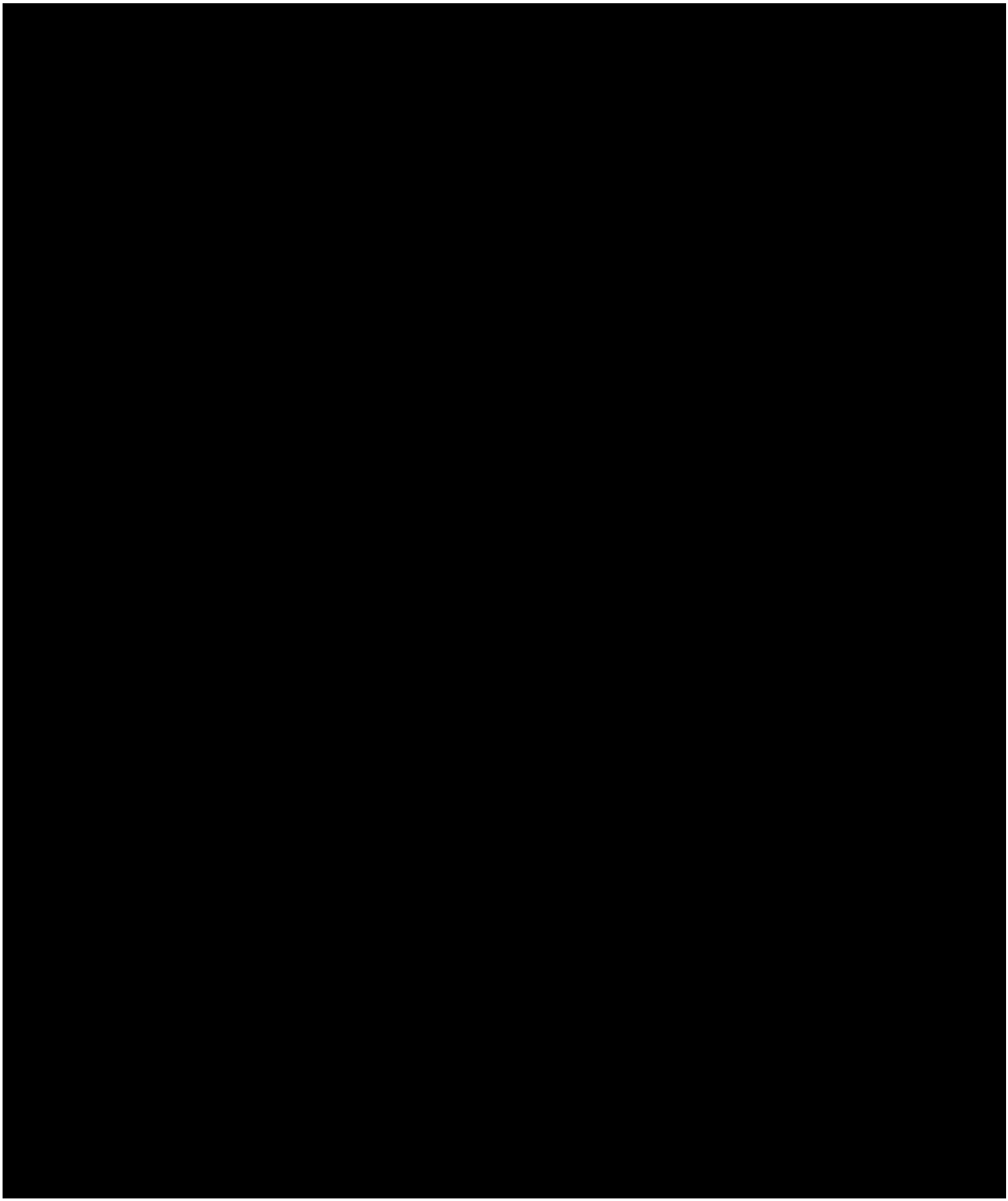


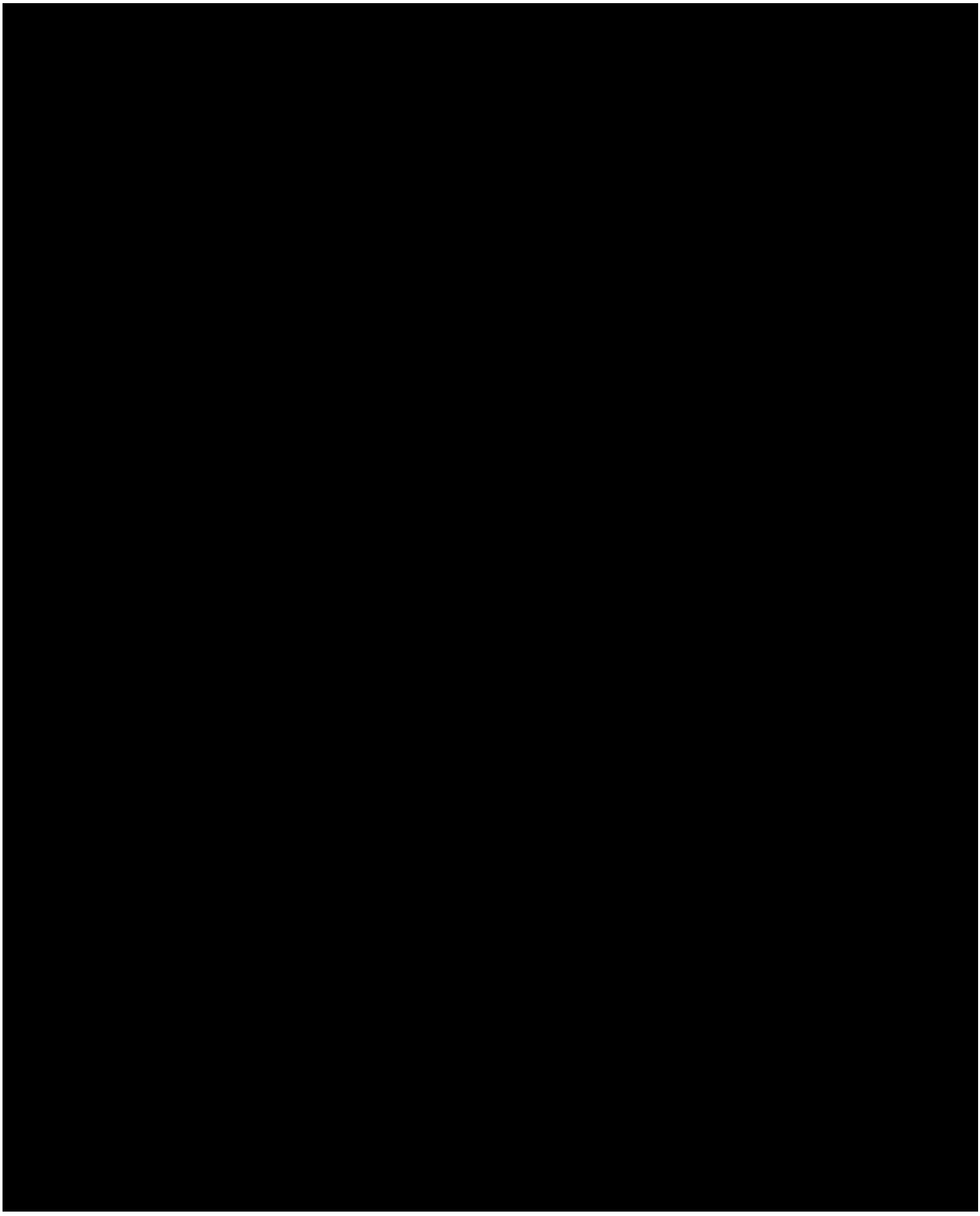


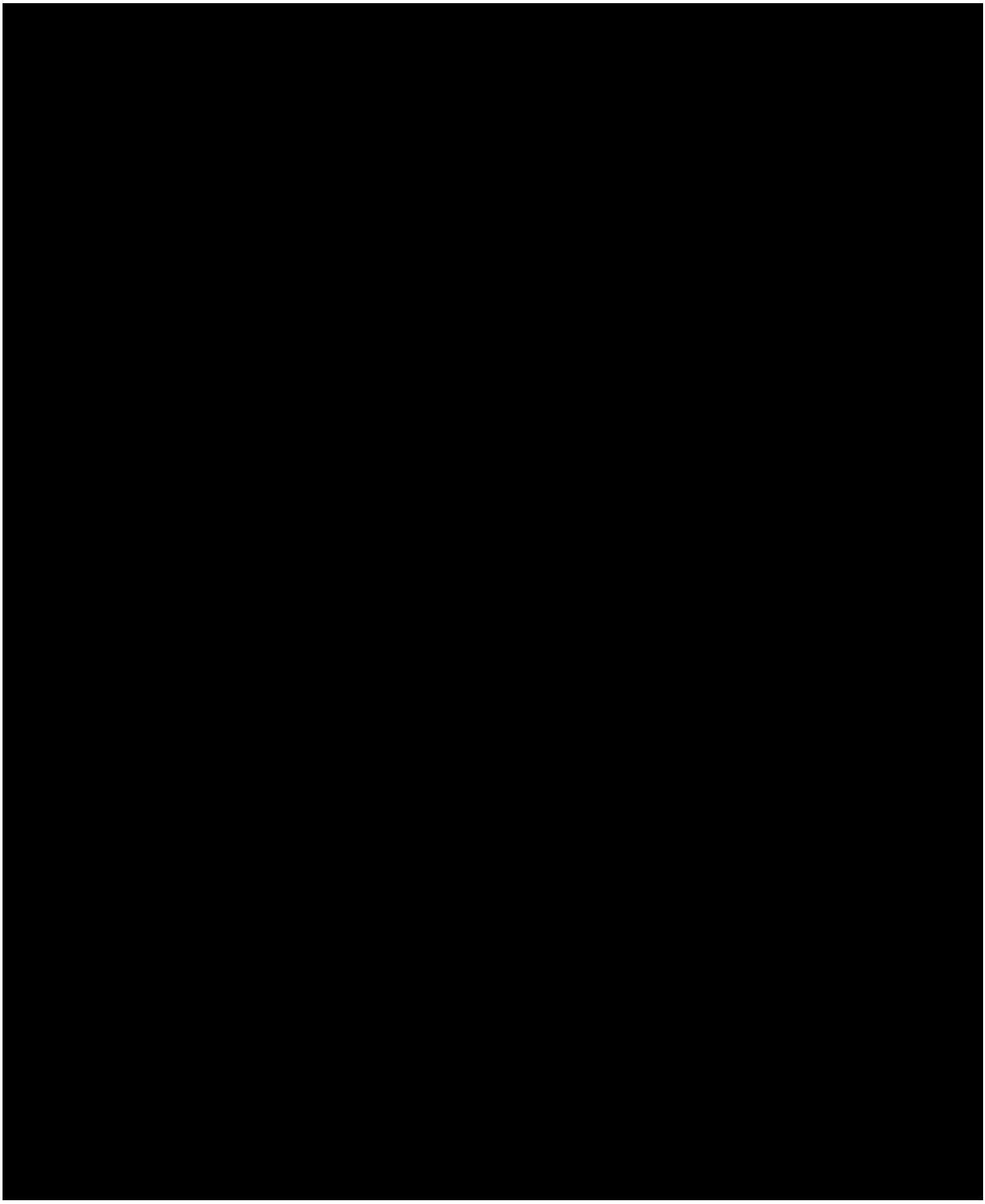


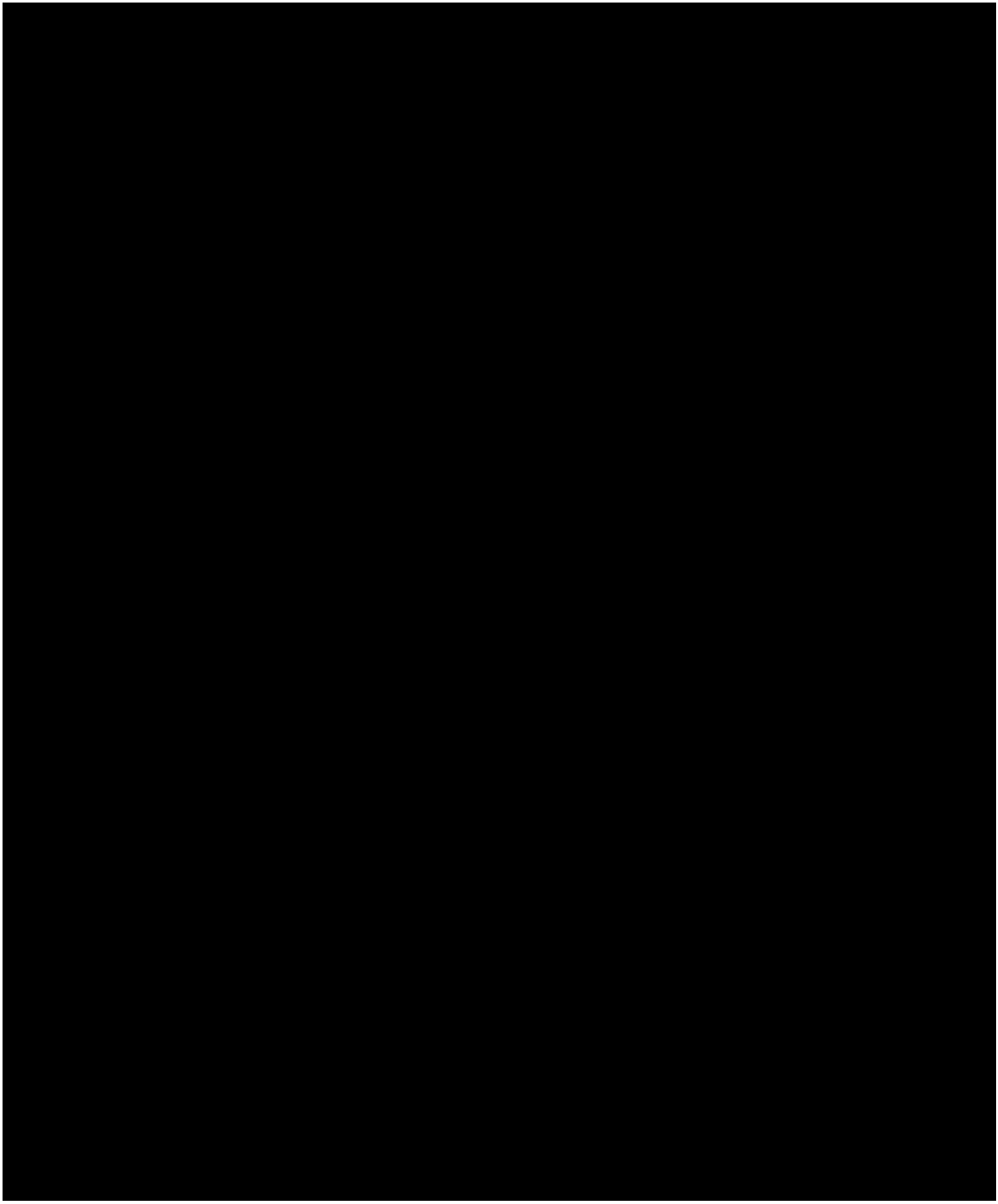


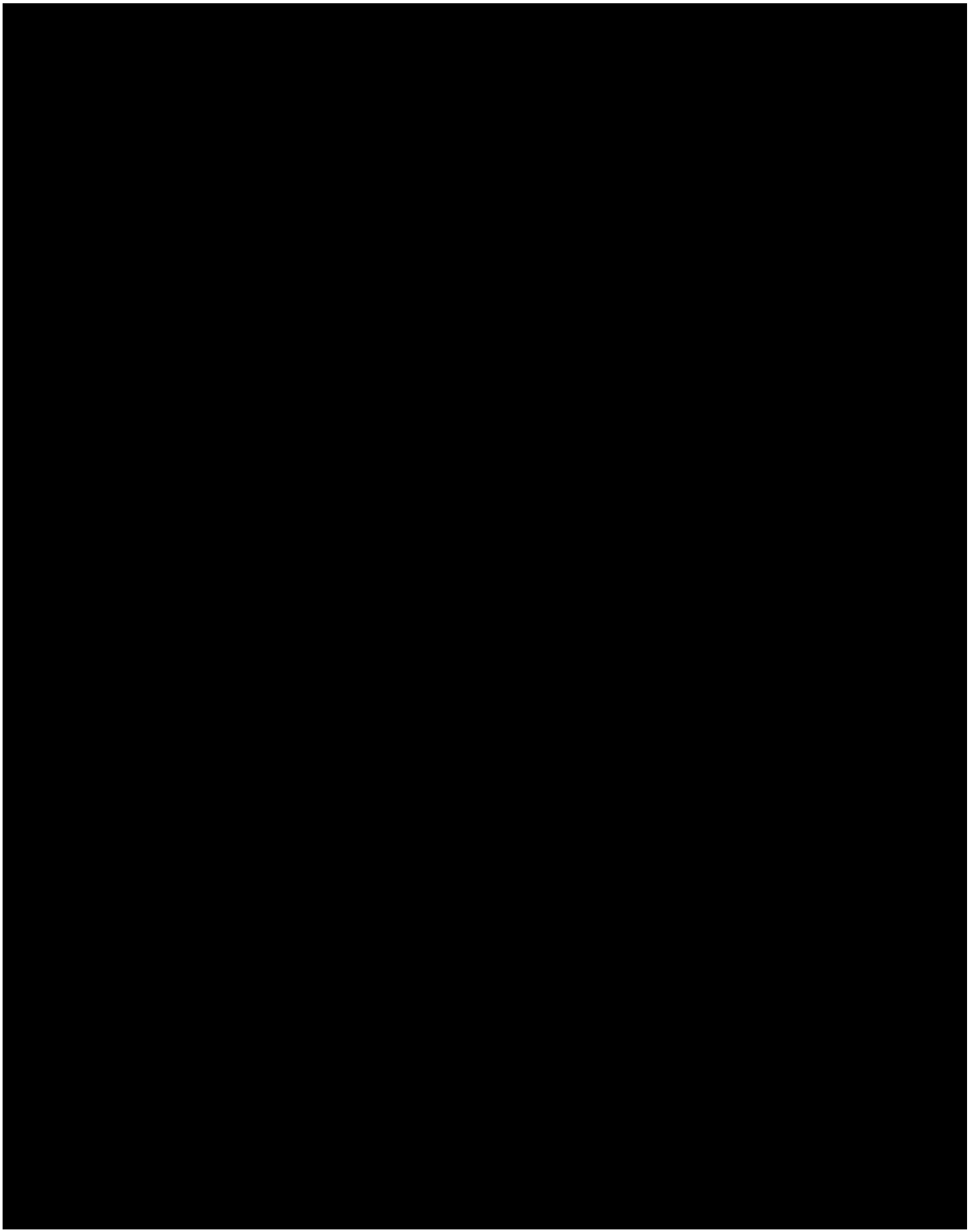


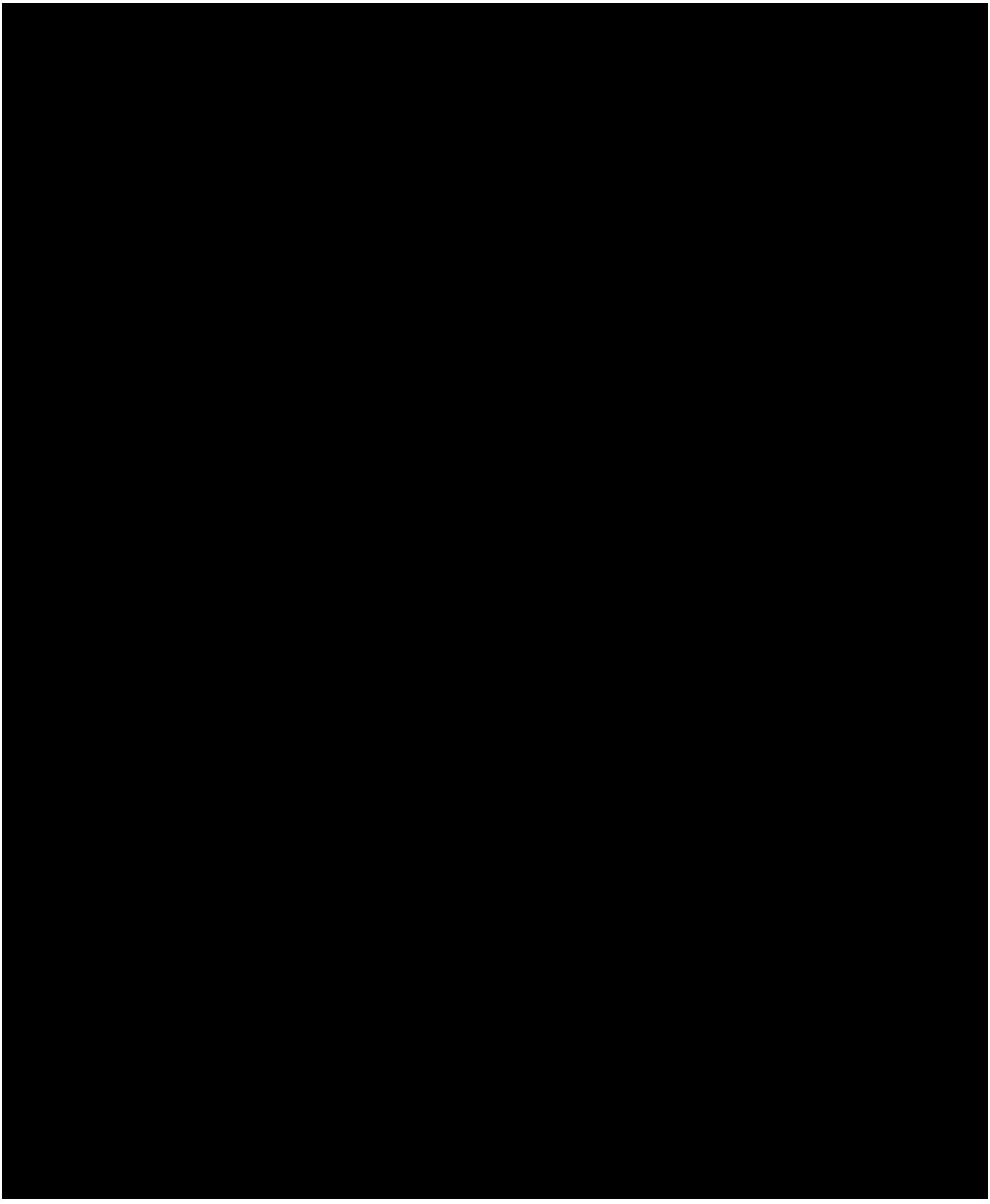


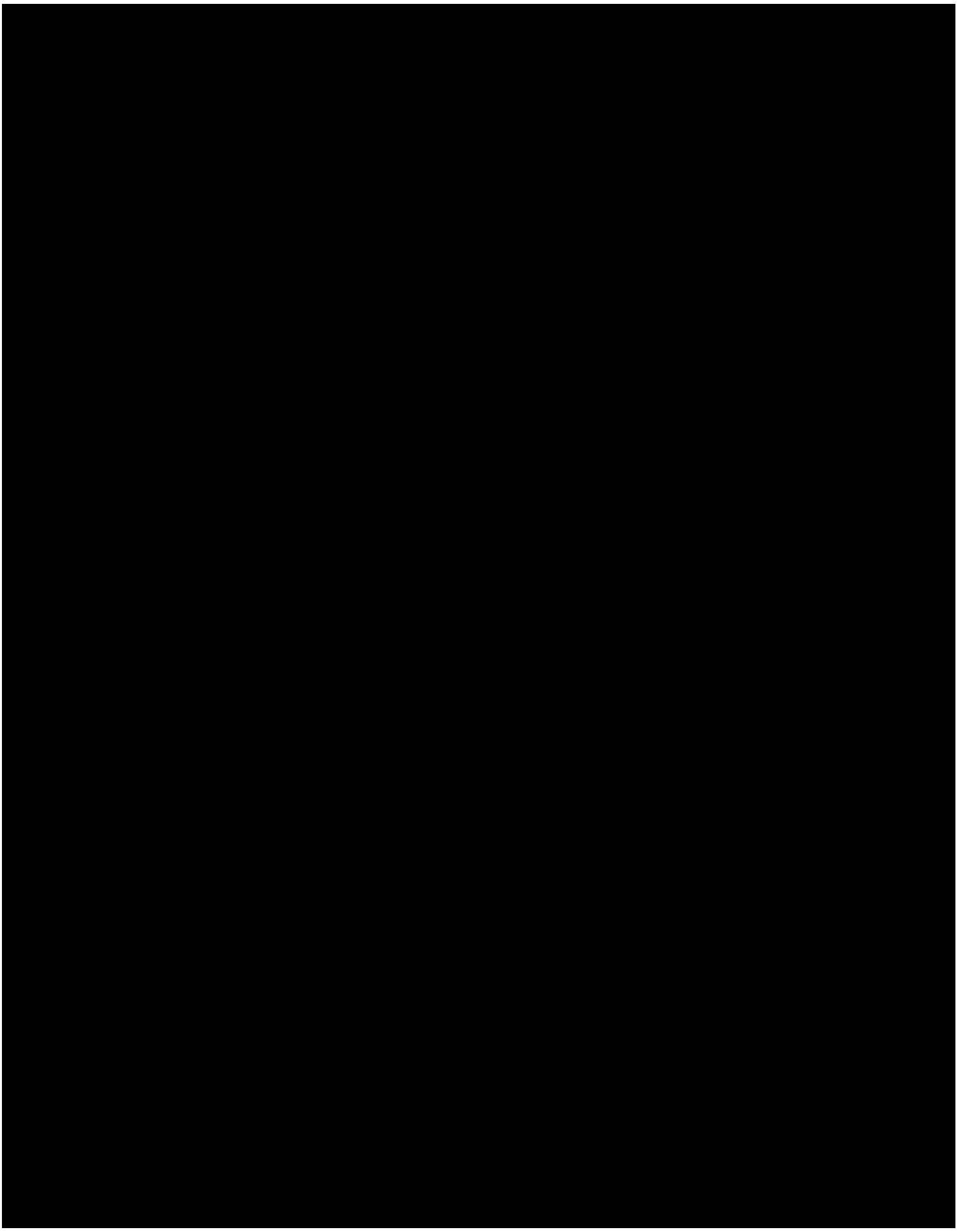


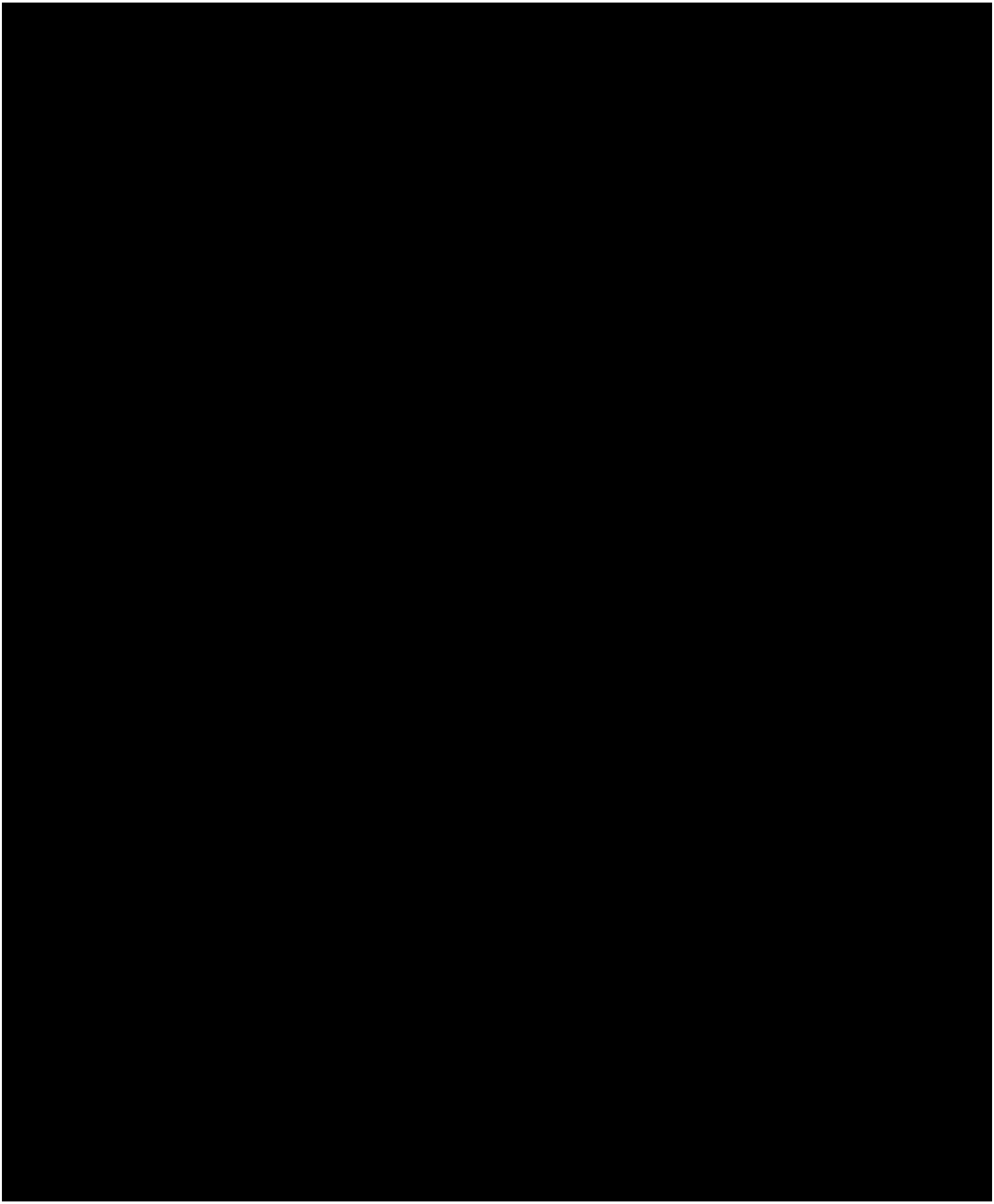


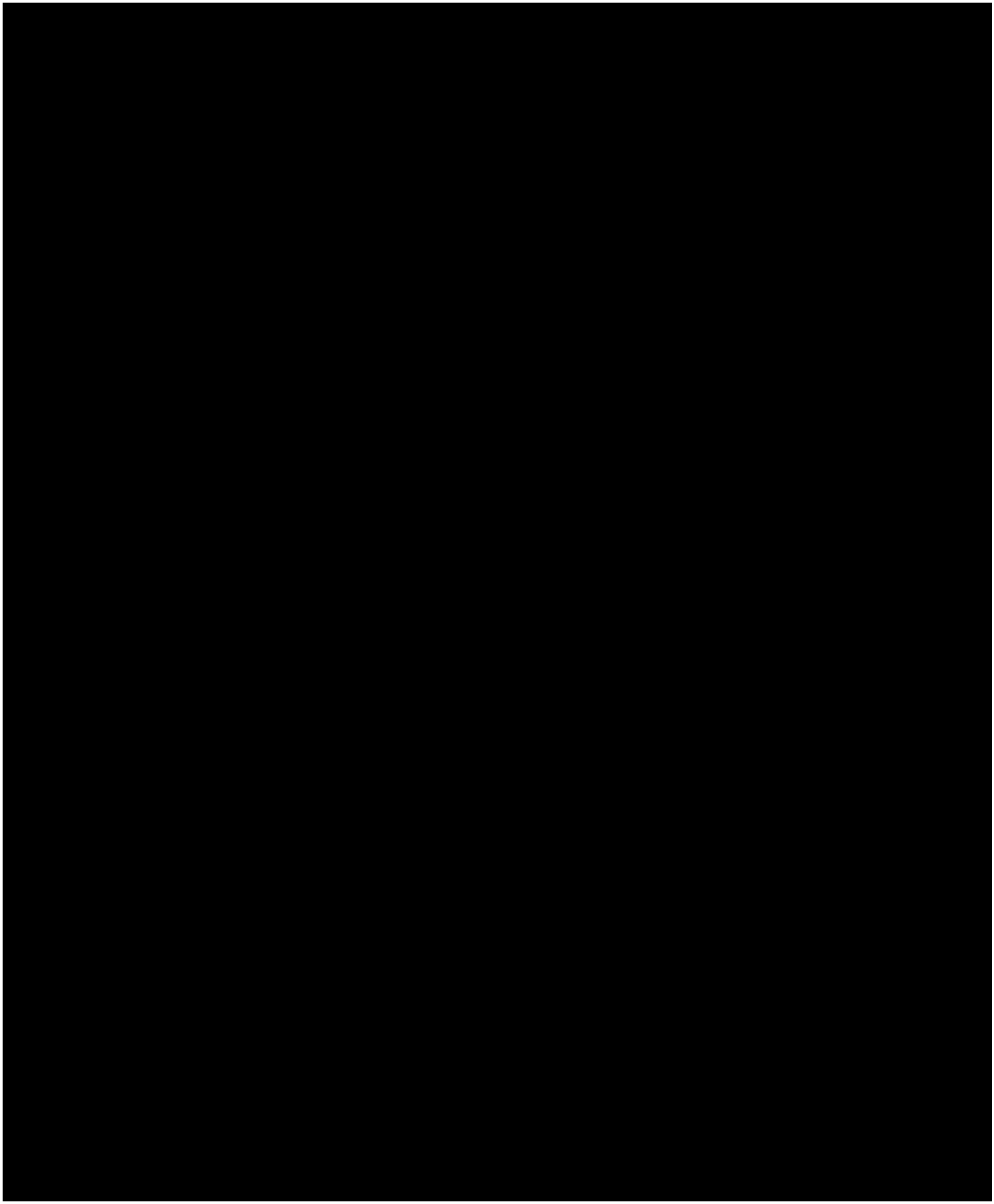


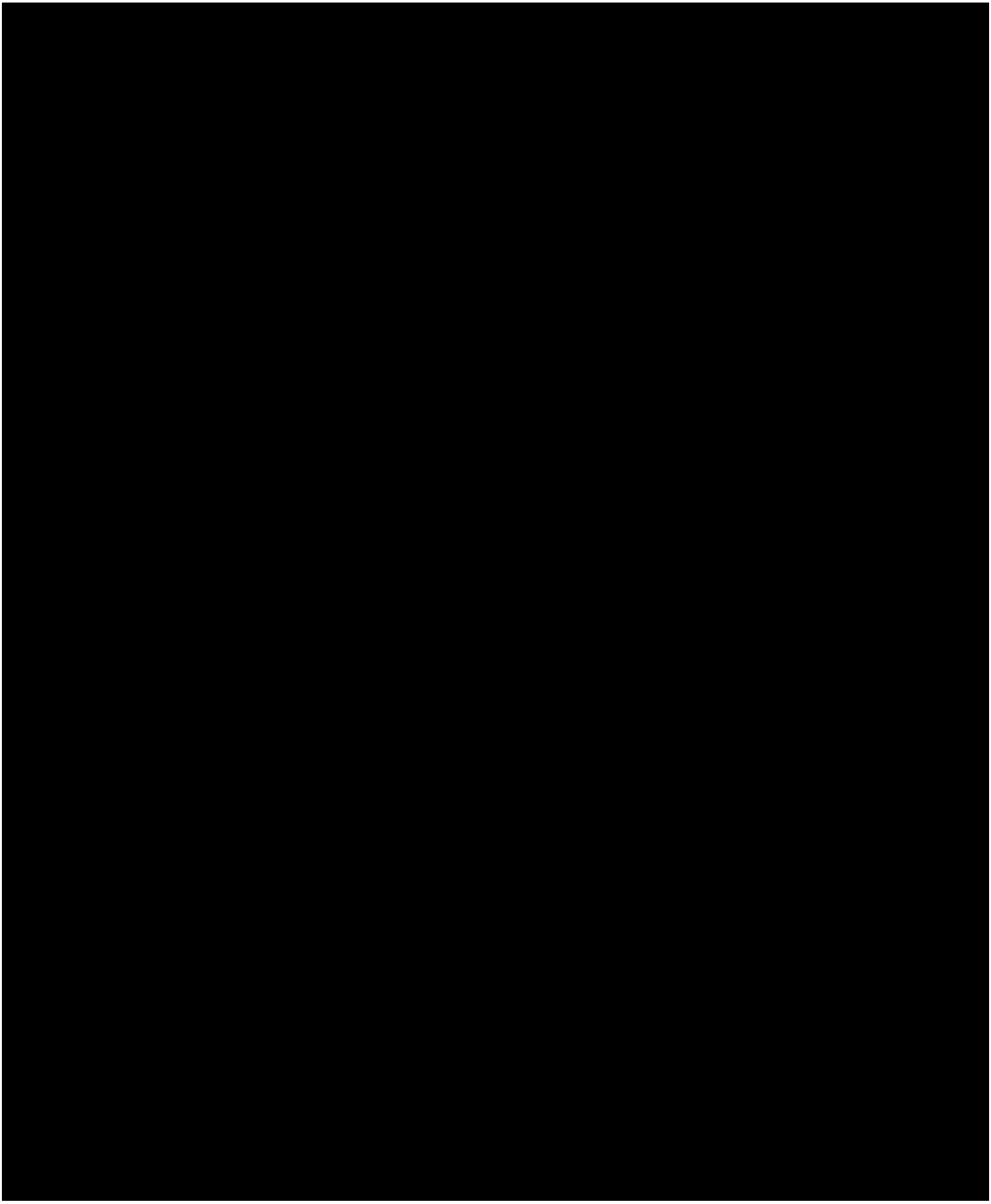


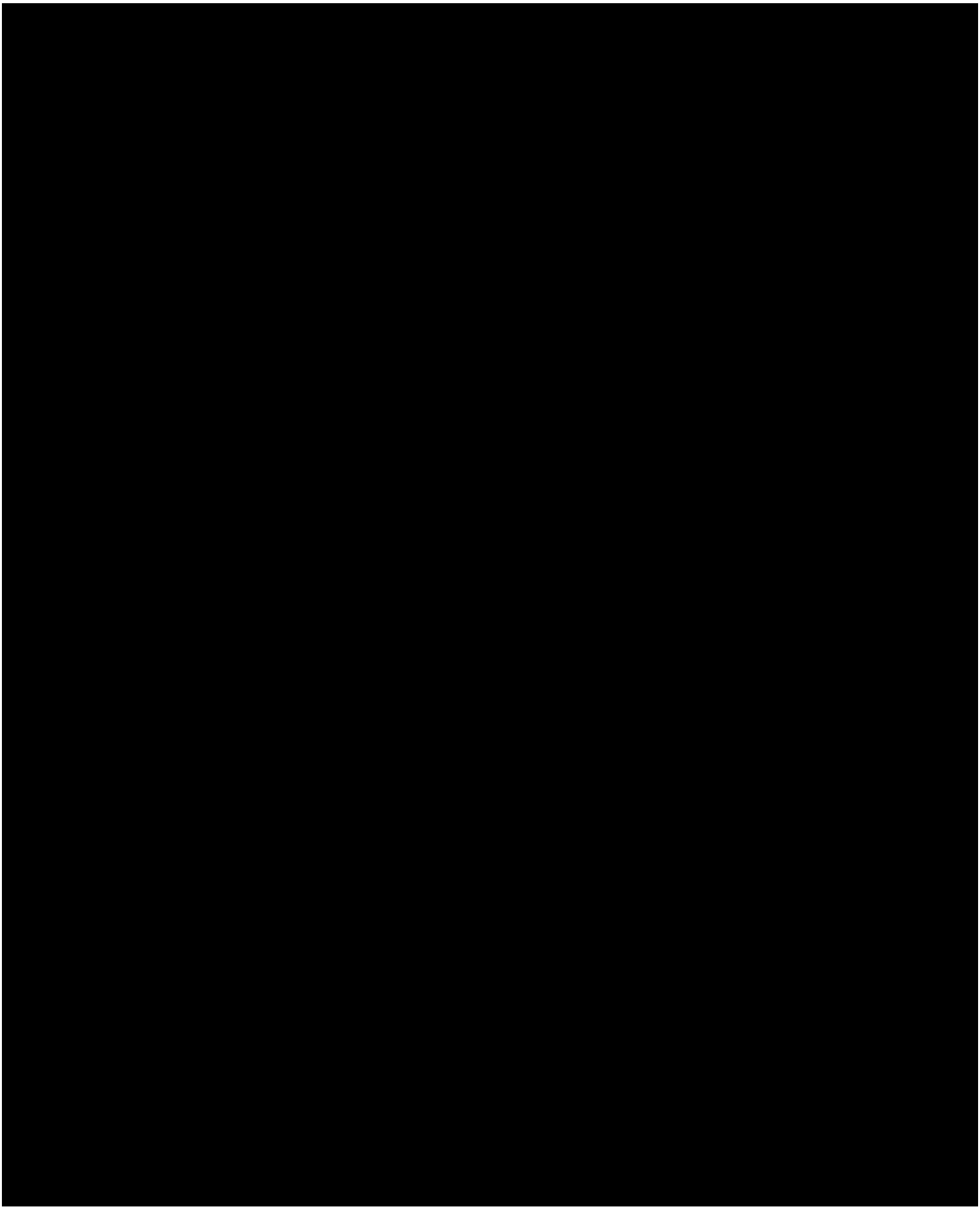


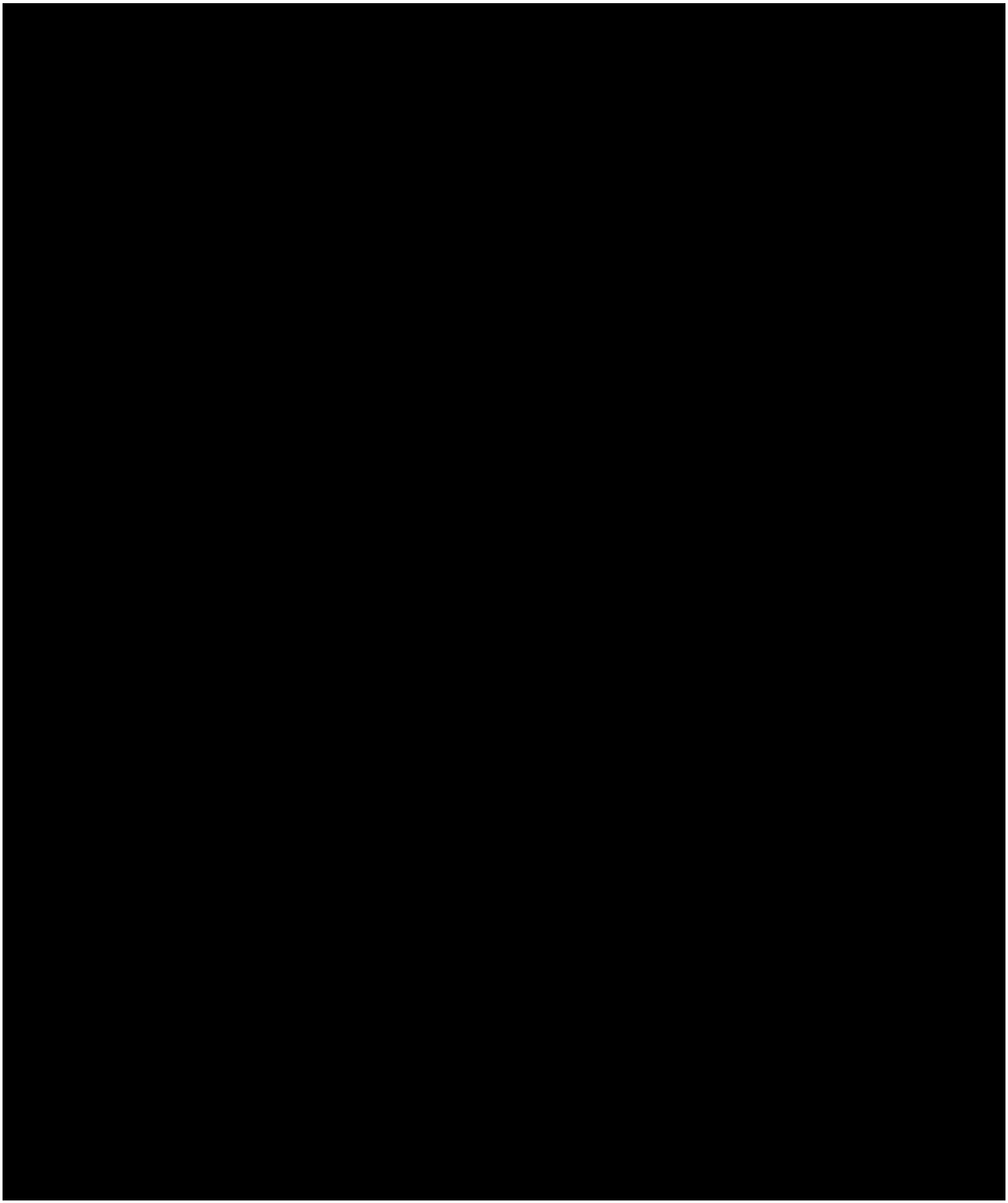


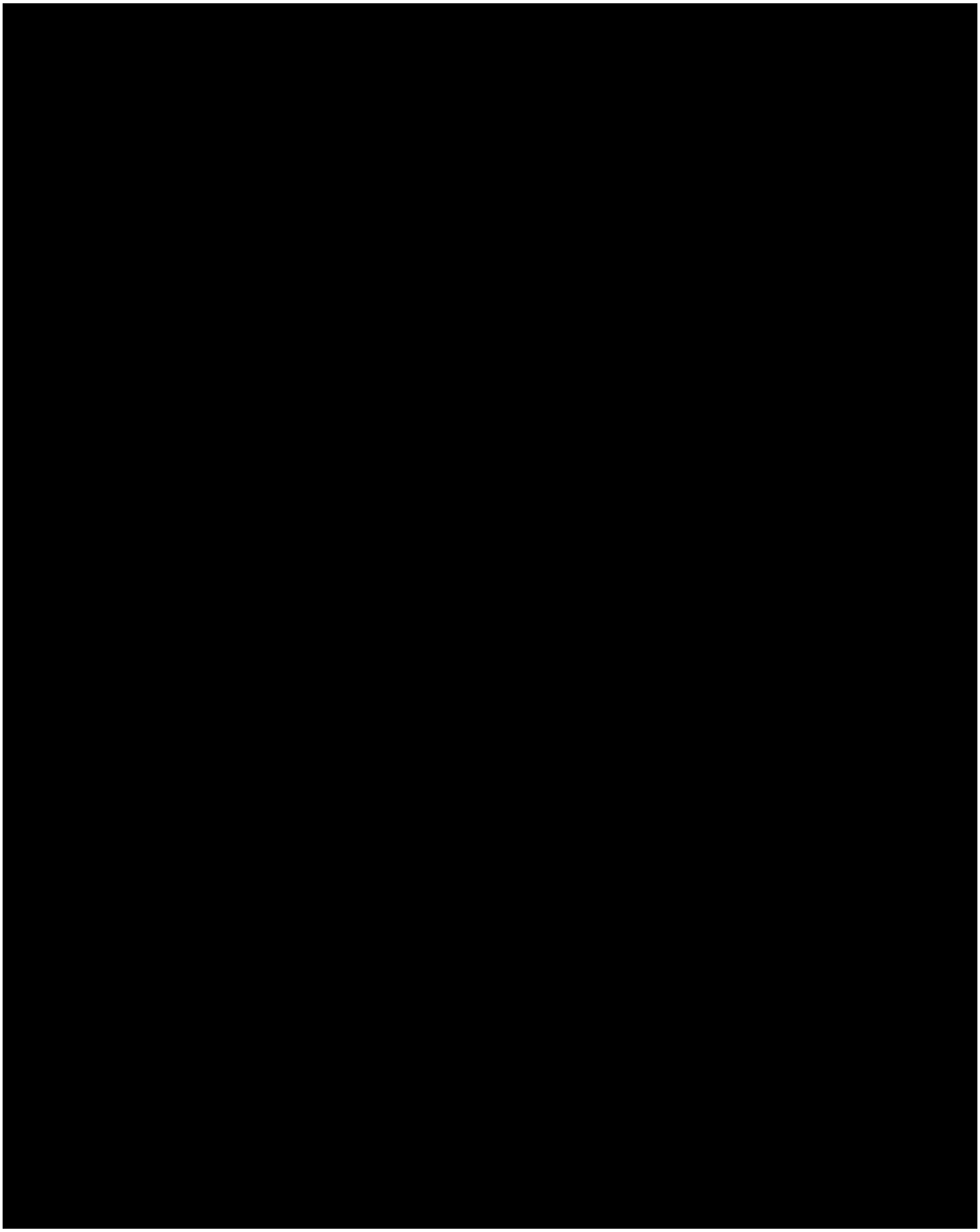














From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:17 AM
To: gerardo.gutierrez@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

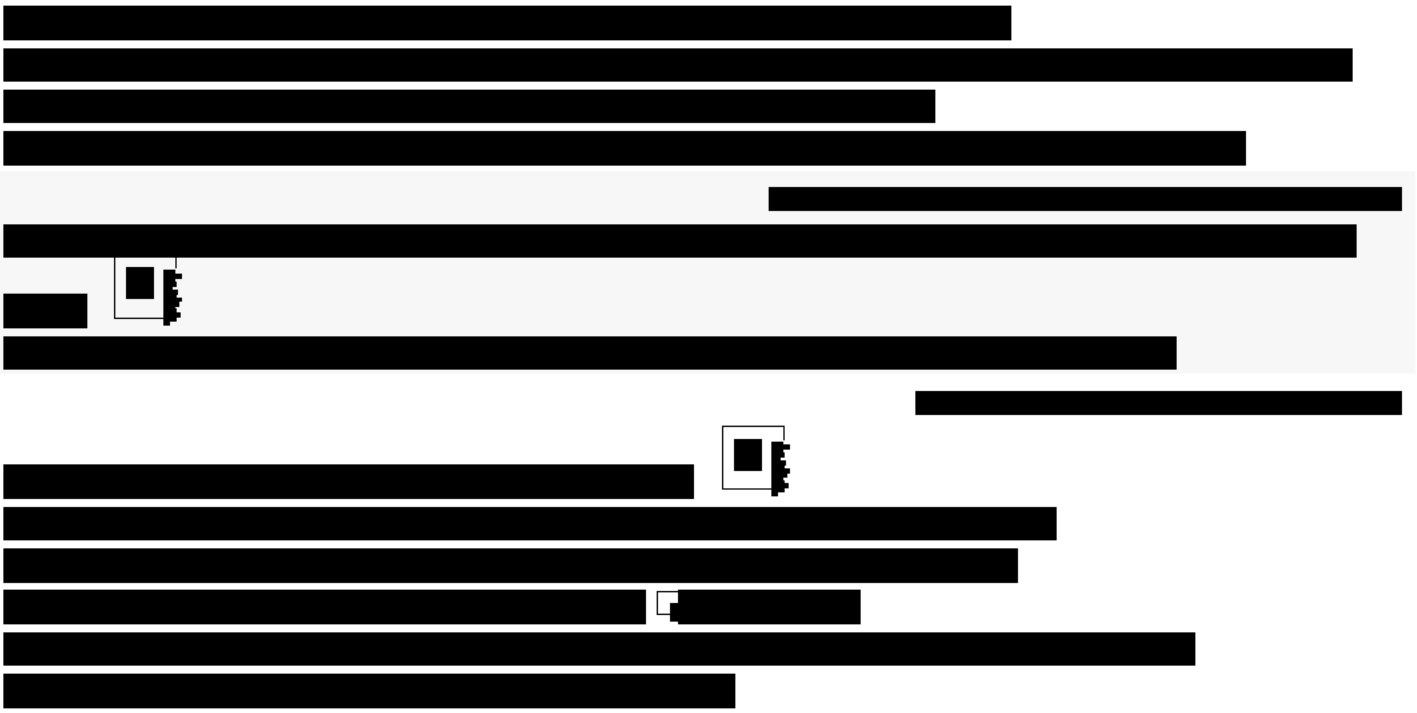
Discussions

Gender Identity

8. Hi Julia, I don't know if this helps, as it... Heather Boyd, RN, BSN
9. Hi Julia, I took a course on here that was... Tracy Chupp, NCSN, RN, BSN
10. Hi Julia, Here are some resources that... Paula Purcell, MEd, BSN, RN, CDDN
11. Hi, this can be tricky, especially in this day... Claire Molner, MEd, NCSN, RN, BS, AASN
12. I teach health with gender inclusive curriculum... Kat Goodell, ADN-RN, ASN
13. Hi there, I found it really helpful to... Suzanne Seldess, MA-Ed

started 3 days ago, Heather DiTrolio, BSN, RN, CVRN-BC (6 replies)

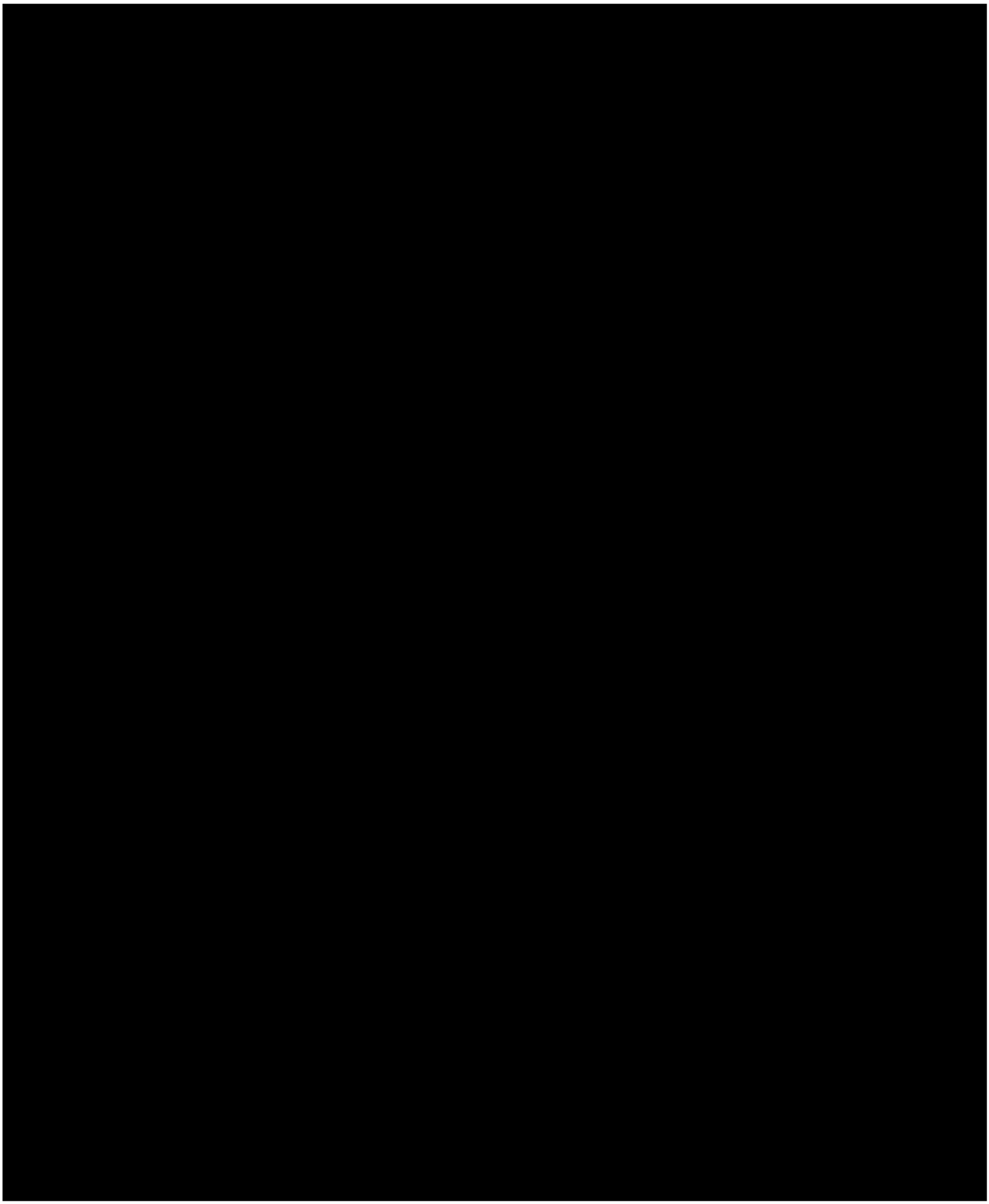


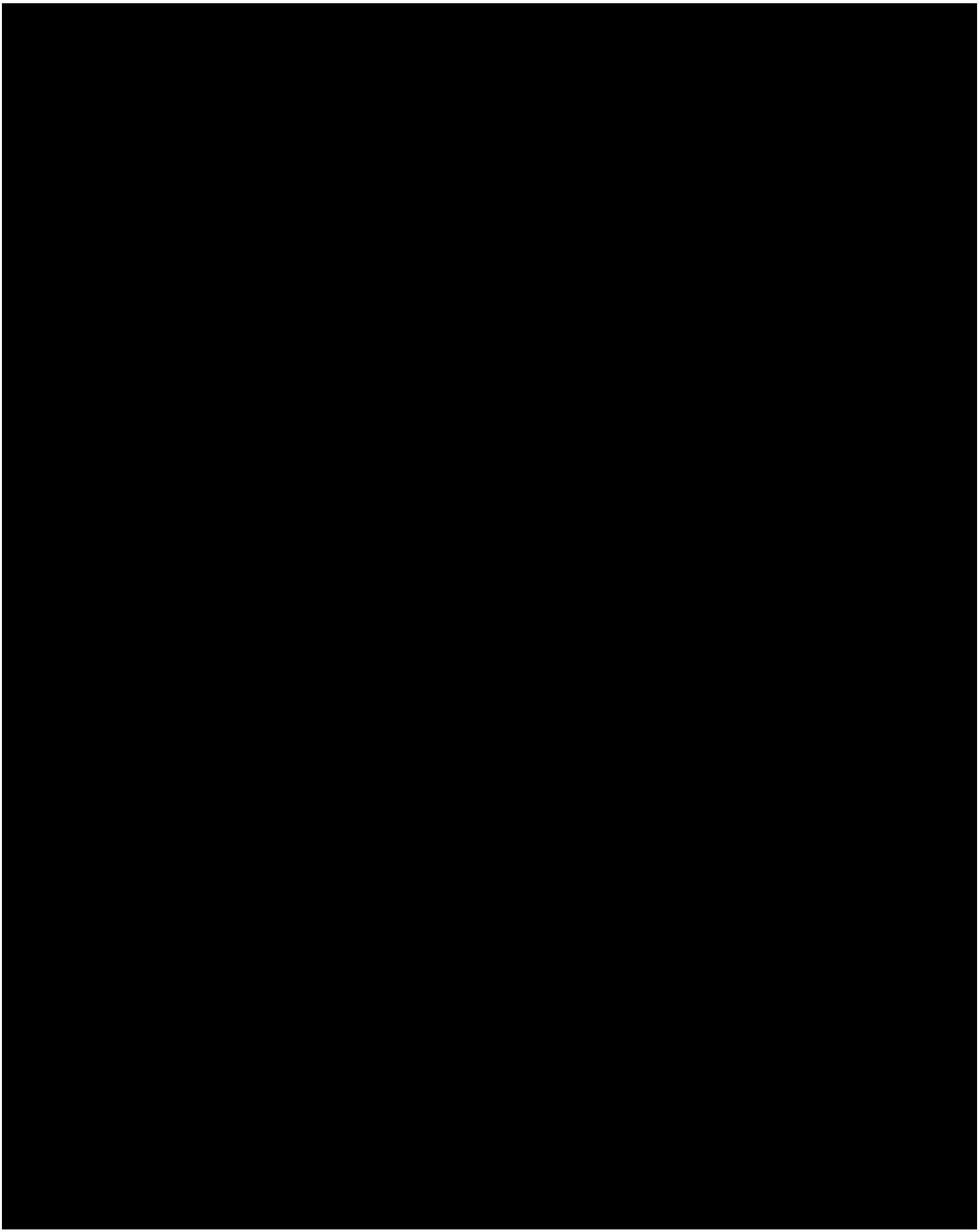


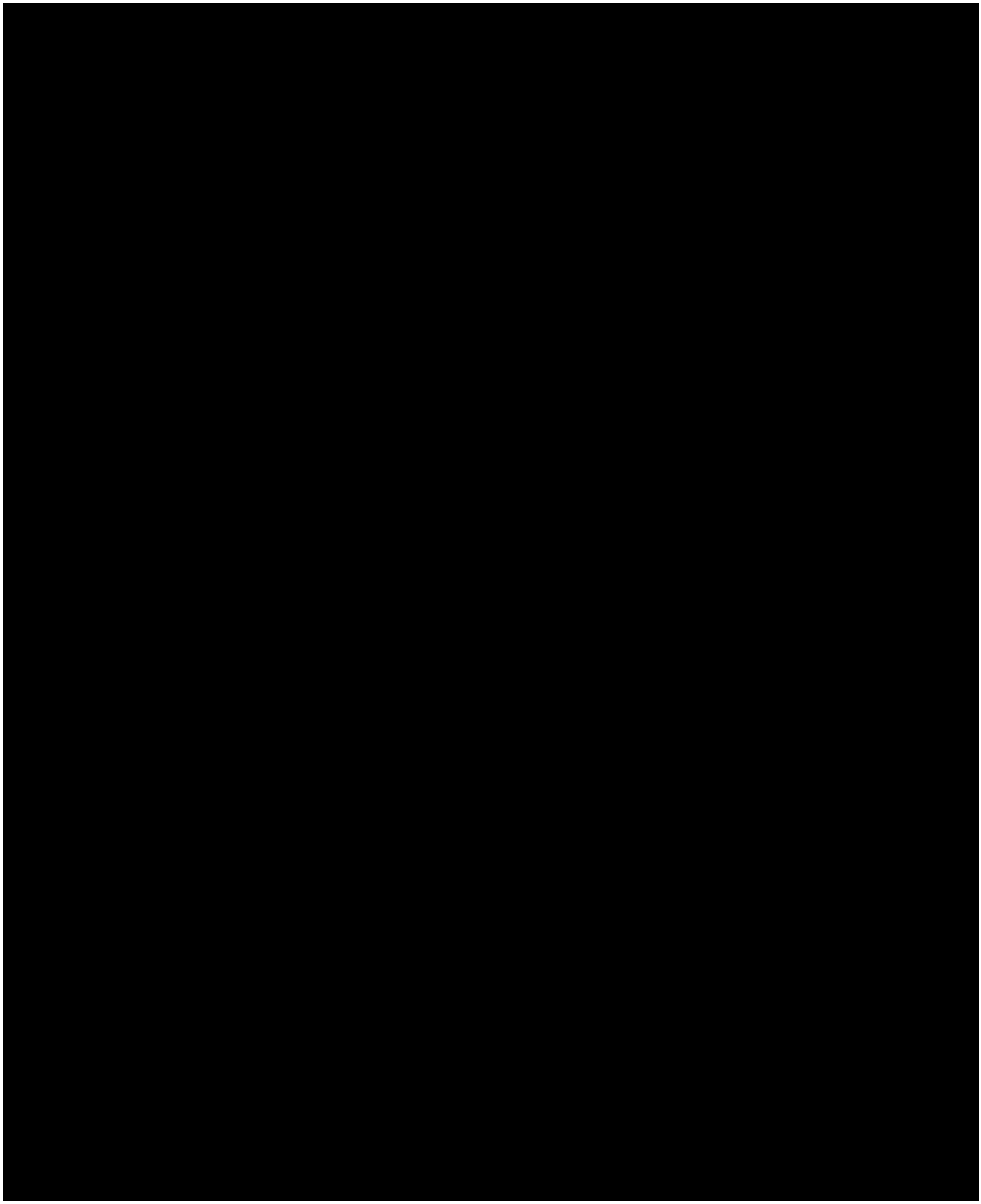


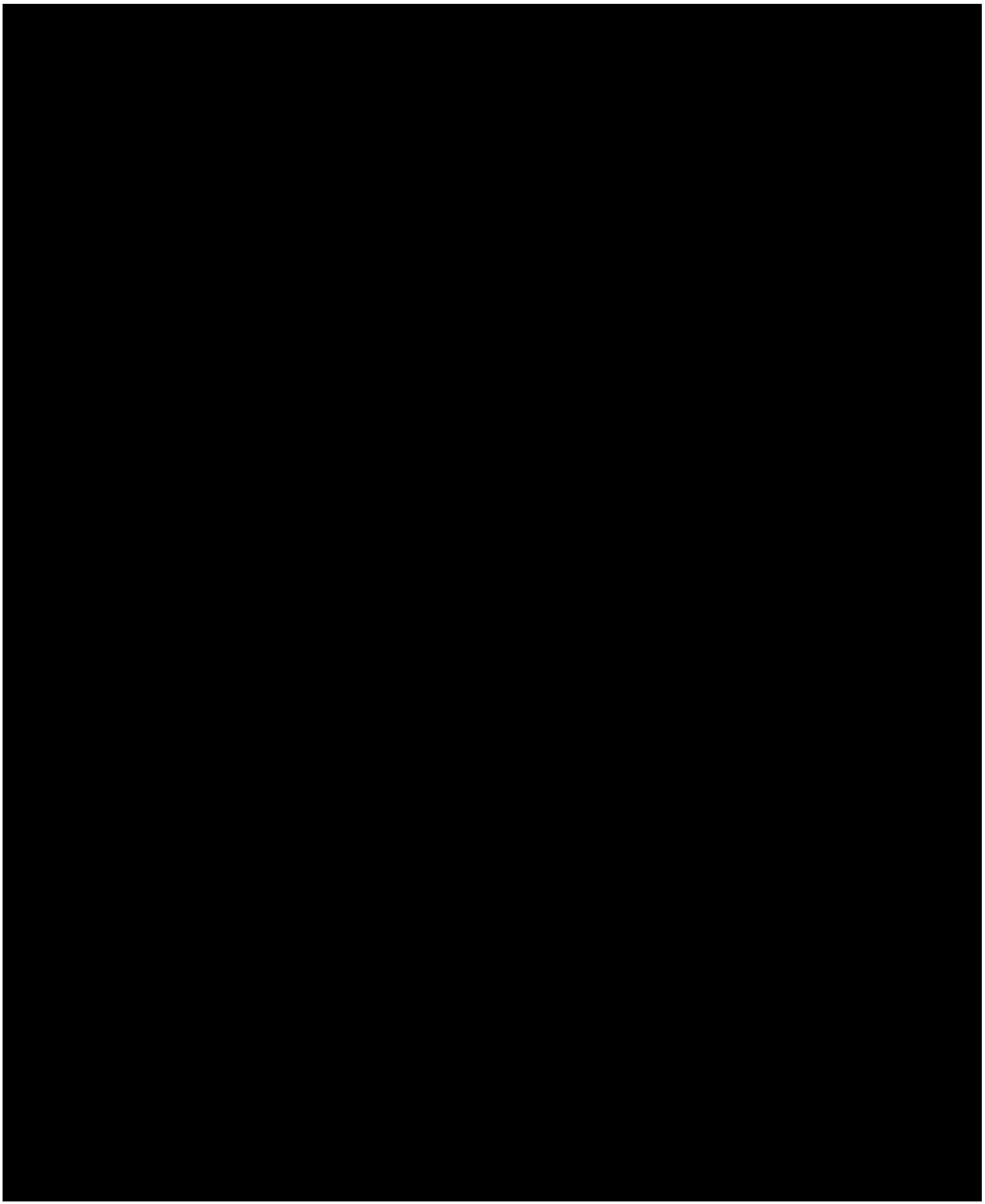


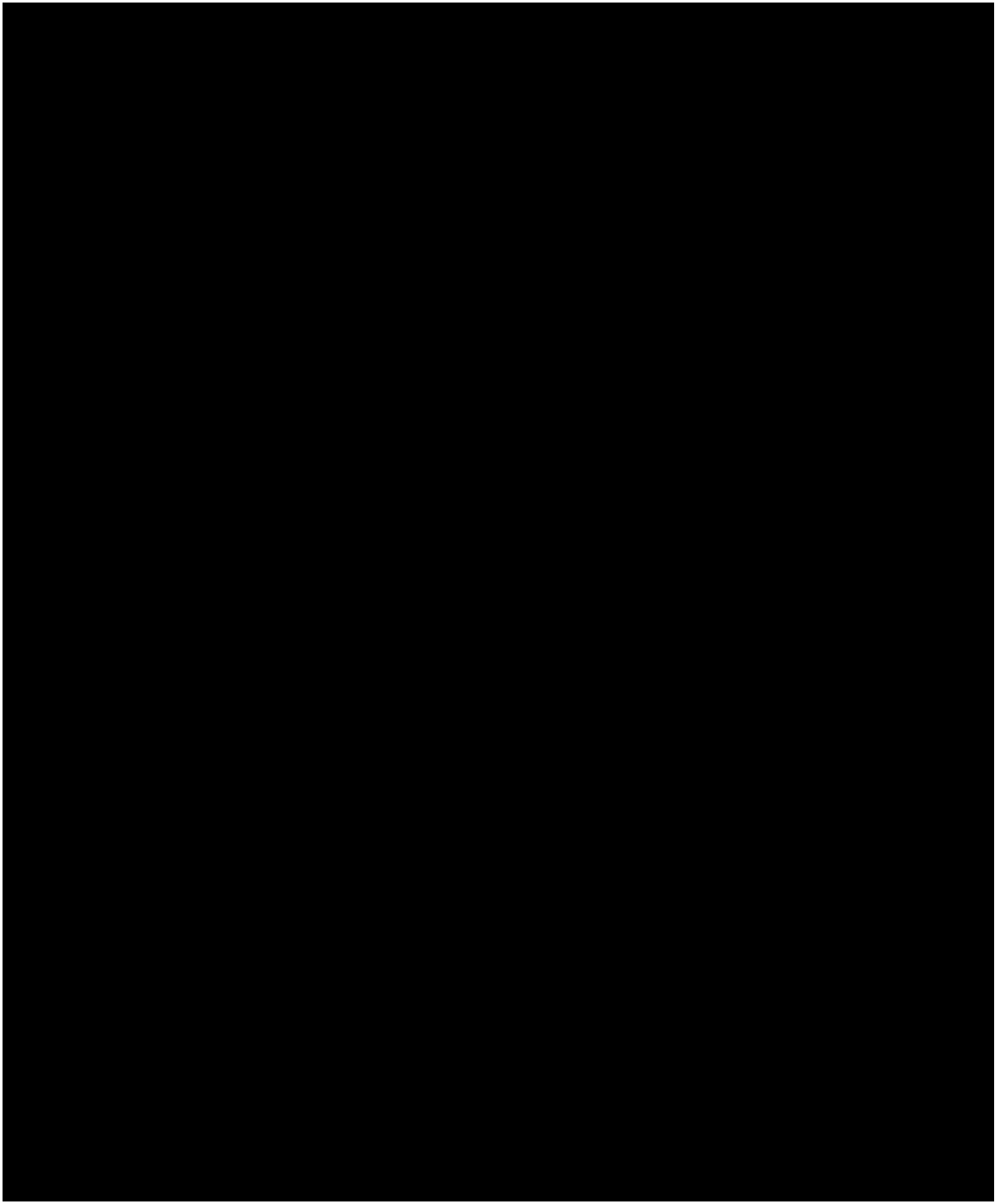












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8. Re: Gender Identity

Reply to Group Reply to Sender

[redacted] Mar 13, 2023 8:24 AM
Heather Boyd, RN, BSN

Hi Julia,

[redacted]

I don't know if this helps, as it is not a specific training, but these are the recommended topics for including sexual health are included in the CDC's HECAT (Health Education Curriculum Analysis Tool). www.cdc.gov/healthyyouth/hecat/pdf/2021/... I found it very helpful in developing the curriculum for our school. What also helped was meeting with the schools in our district and the staff who were teaching HG&D sat together to create the scope and sequence of what would be taught K-8.

Good luck!

Sincerely,

Heather

Heather Boyd RN, BSN
Lincoln Akerman School
Hampton Falls, NH United States

Reply to Group Online View Thread Recommend Forward

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Sent: 03-10-2023 14:44
From: Julia Zaino
Subject: Gender Identity

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Julia Zaino, RN, BSN, NCSN
MA United States
---

9. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 8:43 AM
Tracy Chupp, NCSN, RN, BSN



Hi Julia,

I took a course on here that was super helpful!

learn.nasn.org/courses/47755

Advocacy and Action: How School Nurses Can Help LGBTQ Students Thrive [Enduring]

Good Luck!

Tracy

Tracy Chupp, RN, BSN, NCSN
Southport High School
Indianapolis, Indiana USA

Reply to Group Online | View Thread | Recommend | Forward

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Julia Zaino, RN, BSN, NCSN
MA United States
---

10. Re: Gender Identity

Reply to Group | Reply to Sender



Mar 13, 2023 9:22 AM
Paula Purcell, MEd, BSN, RN, CDDN

Hi Julia,



Here are some resources that include information about transgender individuals. It's not for the school nurse specifically but are good resources to have nonetheless.

Paula

1.Gender Spectrum's Gender Support Plan:
genderspectrum.org/articles/using-the-gsp

1. PDF of plan linked here

2. Safe Schools Program for LGBTQ Students website, including links to request free training/technical assistance:
www.mass.gov/info-details/...

4. Family Equality's Book Nook, a comprehensive list of the best LGBTQ+ books for the whole family, you may find something here:Family Equality's "Book Nook"

5. Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment:
www.doe.mass.edu/sfs/lgbtq/genderidentity.html

6. Massachusetts Transgender Political Coalition
www.masstpc.org/mission-values

Paula Purcell M.Ed, BSN, RN, CDDN
School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

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Julia Zaino, RN, BSN, NCSN
MA United States
---

top previous next

11. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 12:46 PM
Claire Molner, MEd, NCSN, RN, BS, AASN



Hi, this can be tricky, especially in this day and age, and depending on where you live. Look at Rights, Respect, Responsibility curriculum (www.3rs.org/), which is a FREE K-12 sexuality education curriculum. It is HECAT standard, and meets the national sexuality education standards. Having said that, I very much cherry picked this curriculum, and largely used it for my own knowledge base. There are some amazing activities to do with kids, and is always gender inclusive. If you are looking for a way to create a gender inclusive classroom/office, or for activities that explain issues to kids this is excellent, but could be super controversial. Good luck. c

---
[Claire [Molner] [RN NCSN]

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Julia Zaino, RN, BSN, NCSN
MA United States
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12. Re: Gender Identity



Mar 13, 2023 1:07 PM
Kat Goodell, ADN-RN, ASN



I teach health with gender inclusive curriculum from the 3 R's and Advocates for Youth. They also have curriculum on teacher gender terminology as well as many others. A good site for videos related to this topic, which my 5th and 6th grade groups love, is amaze.org You can also reach out to your local LGBTQ advocacy group for training.

Hope this gets you started in the right direction!

www.3rs.org/download-3rs

https://amaze.org/

Kat Goodell ADN-RN, ASN
Westminster Schools
Westminster, VT United States

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Julia Zaino, RN, BSN, NCSN
MA United States
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Mar 13, 2023 1:45 PM
Suzanne Seldess, MA-Ed



Hi there,

I found it really helpful to request our district's sex ed curriculum. I was given binders for our 6th grade, 8th grade, and high school level with the course information. It helped me understand what's being taught so I can use similar language when students come in to ask questions, etc.

Suzanne Seldess MA-Ed
San Diego, CA United States

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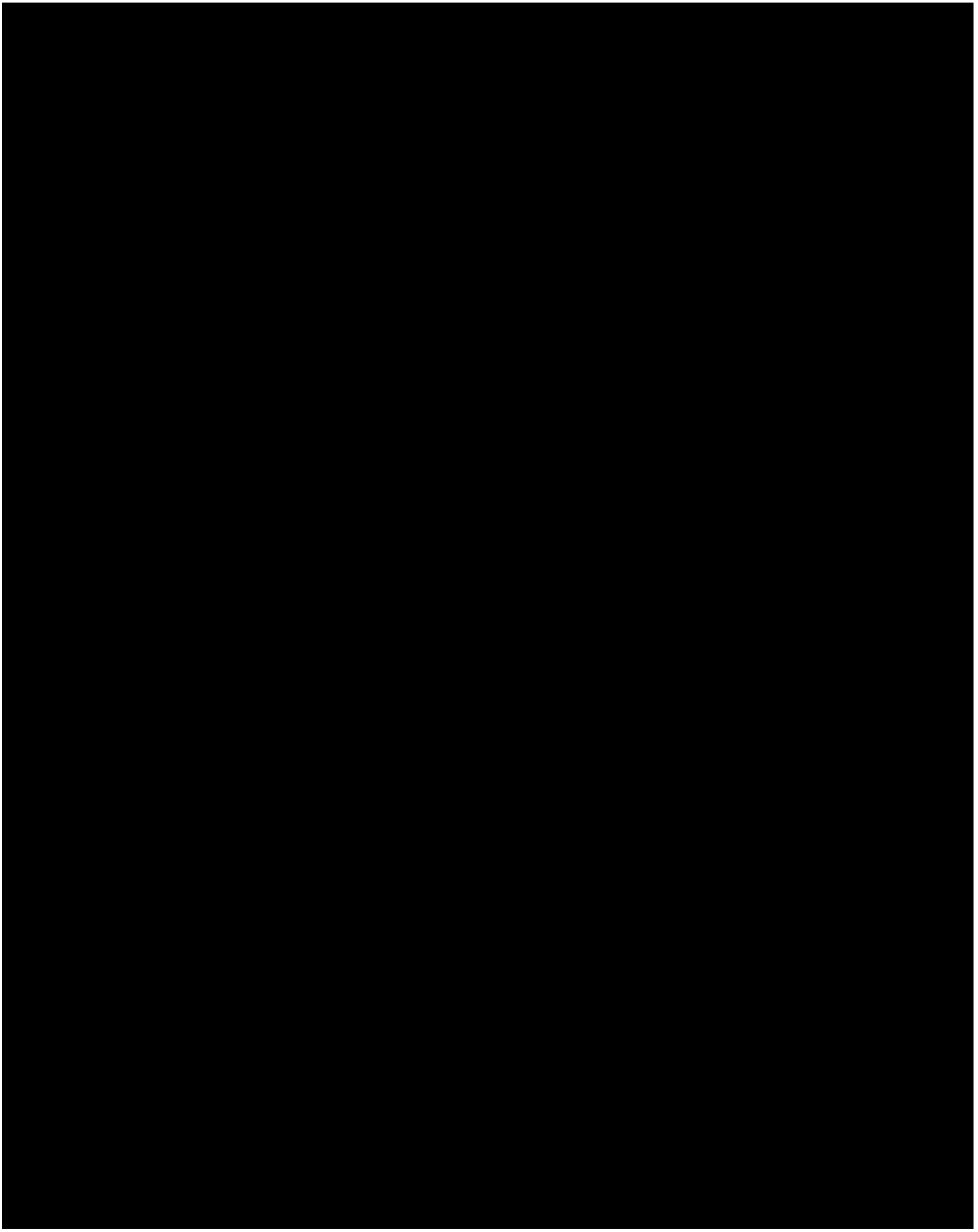
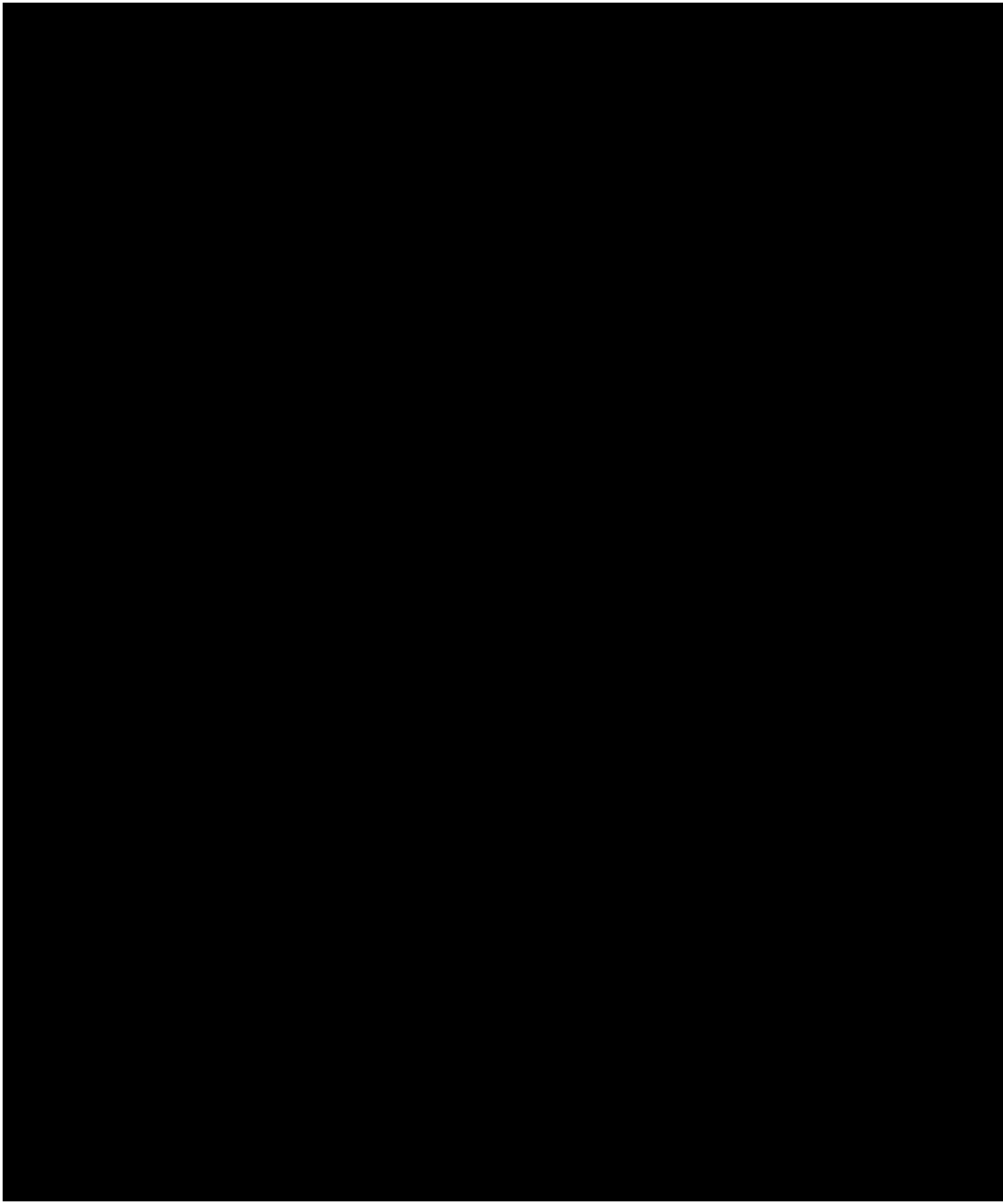
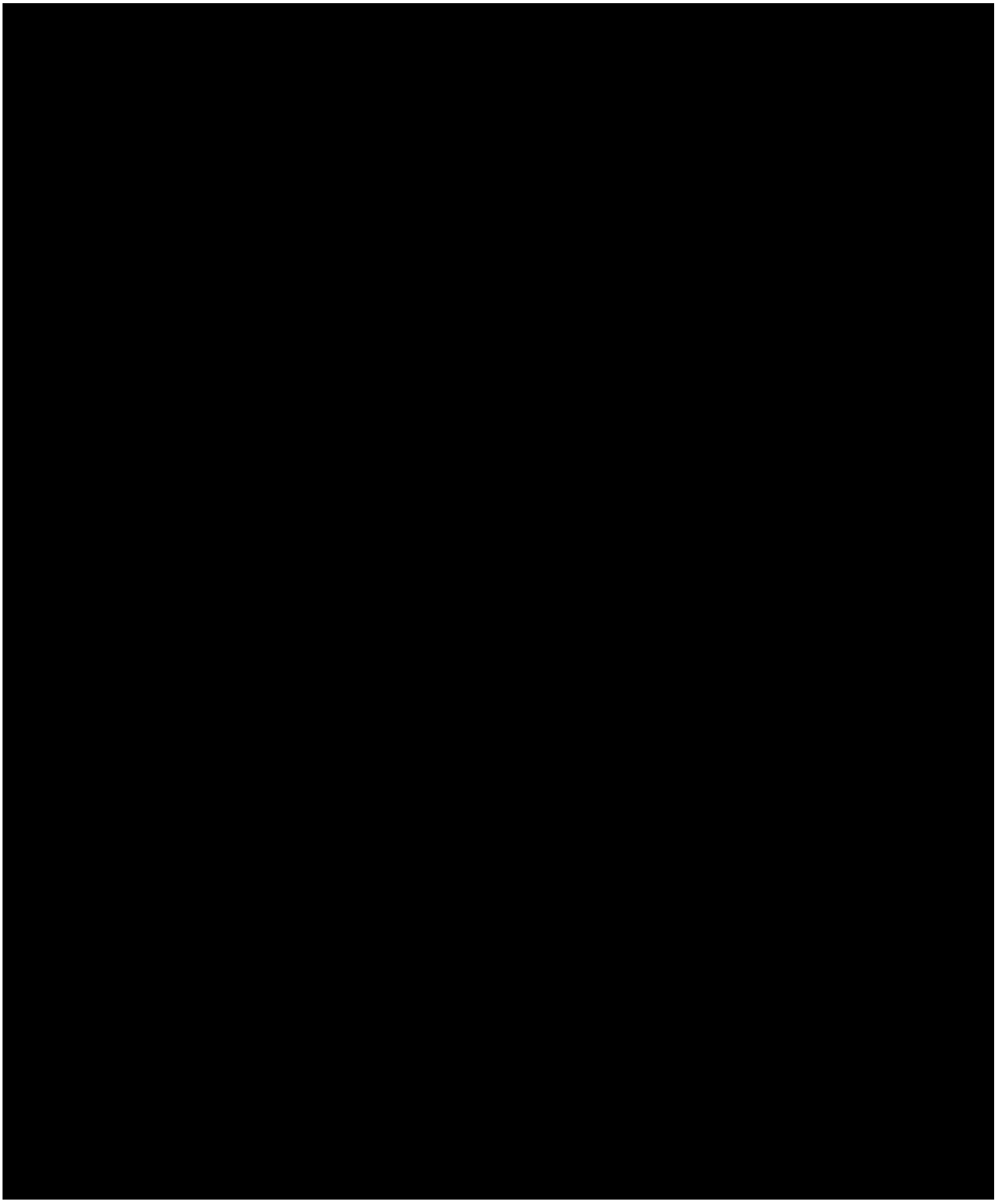
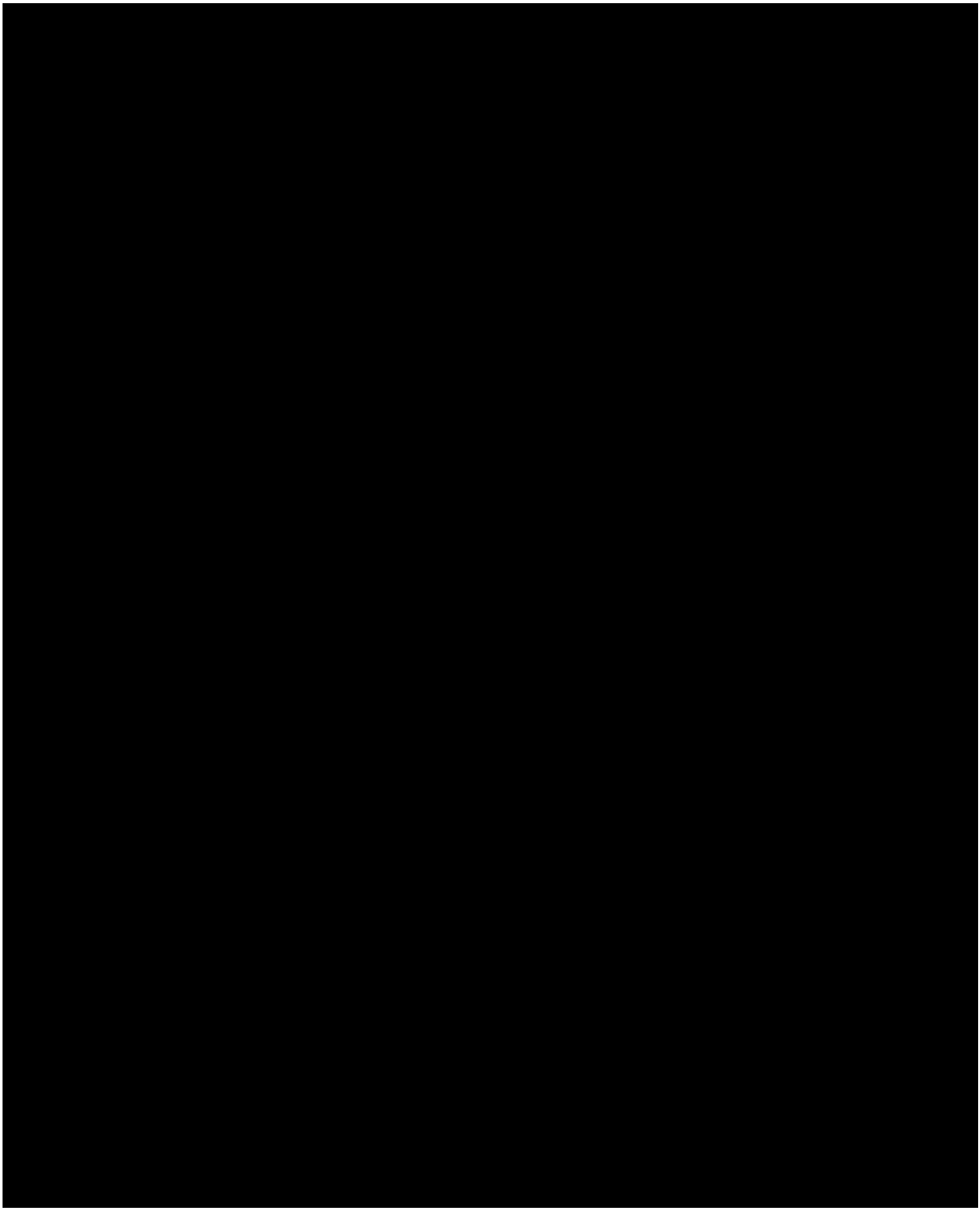
Julia Zaino, RN, BSN, NCSN
MA United States

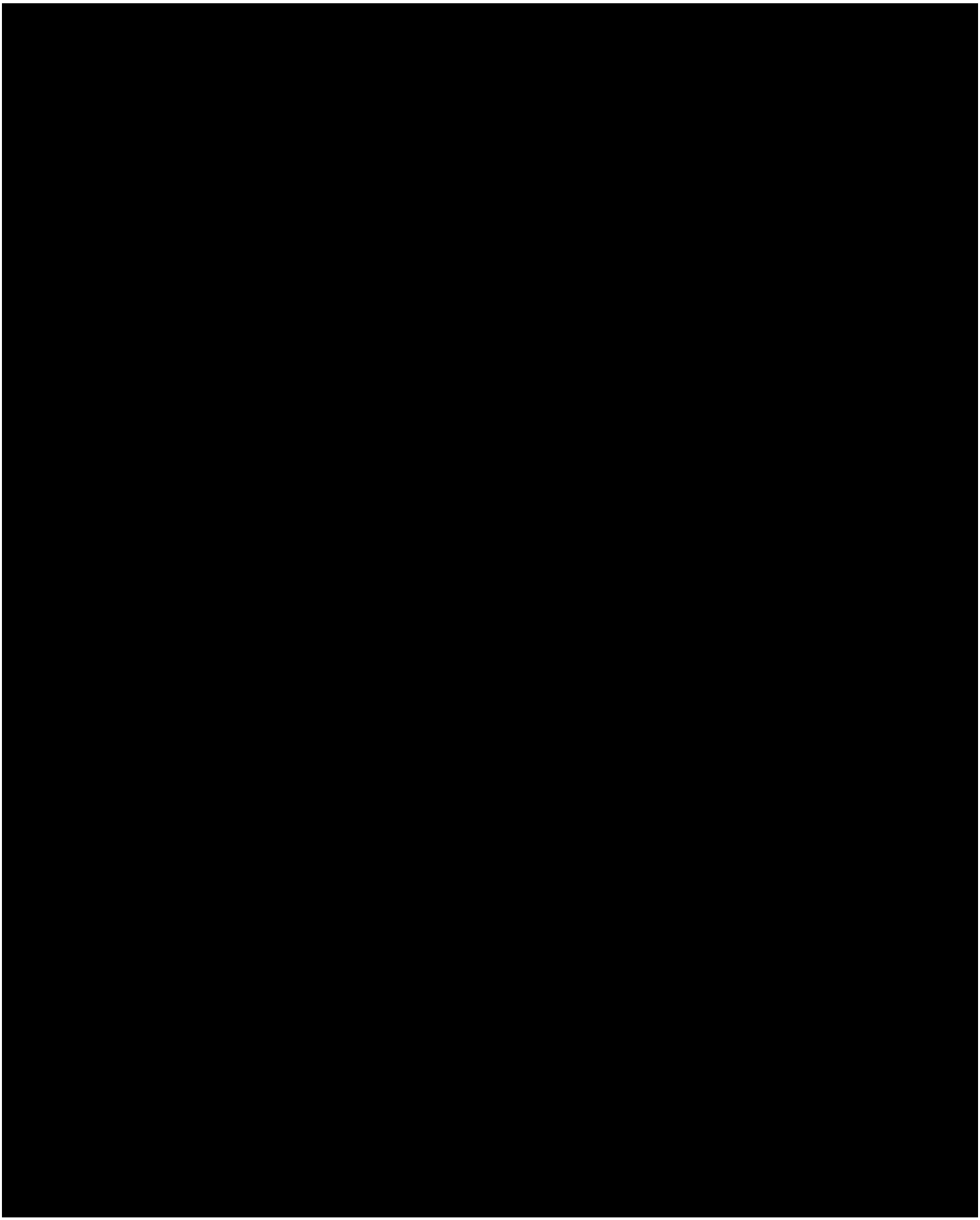


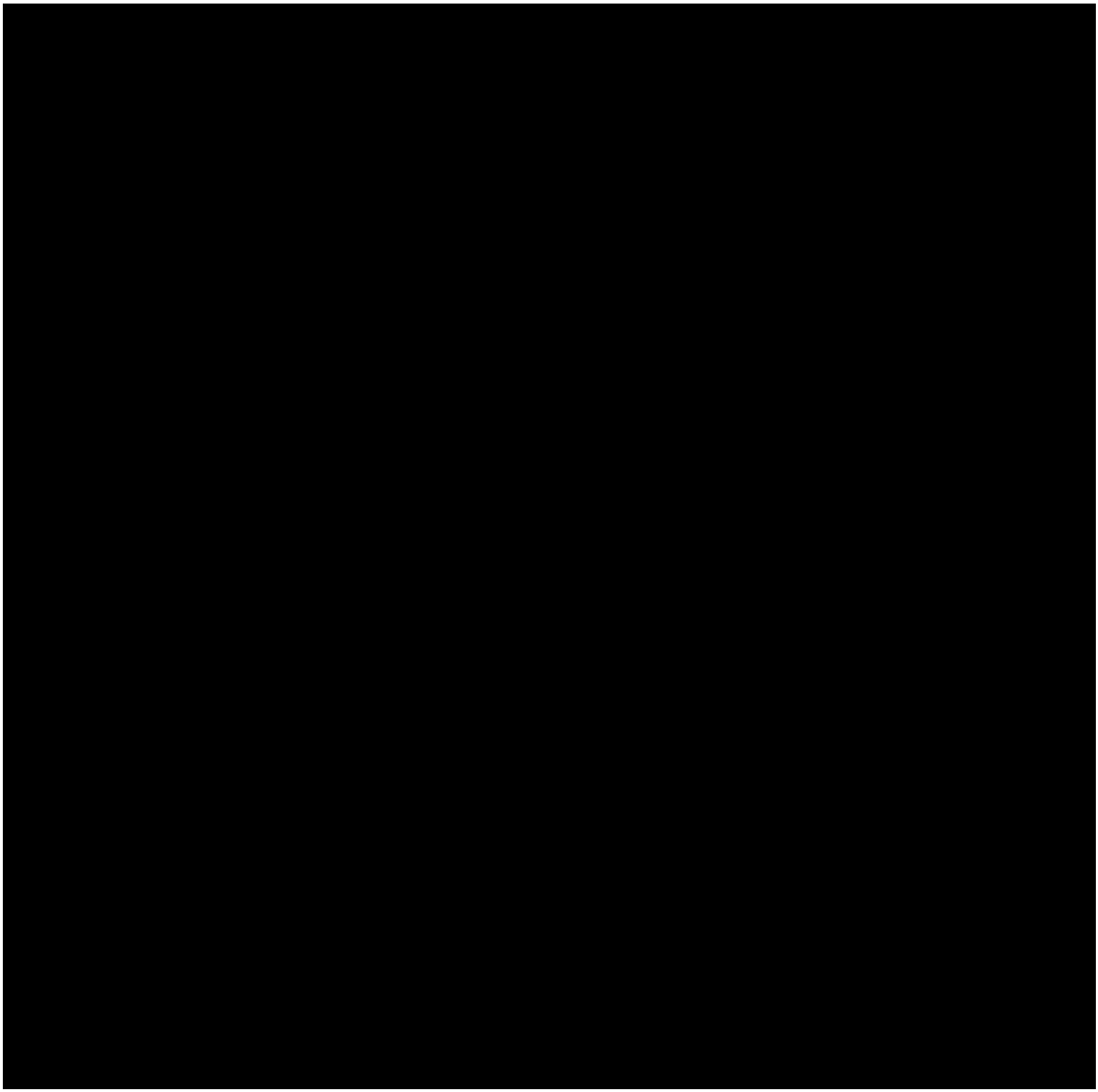














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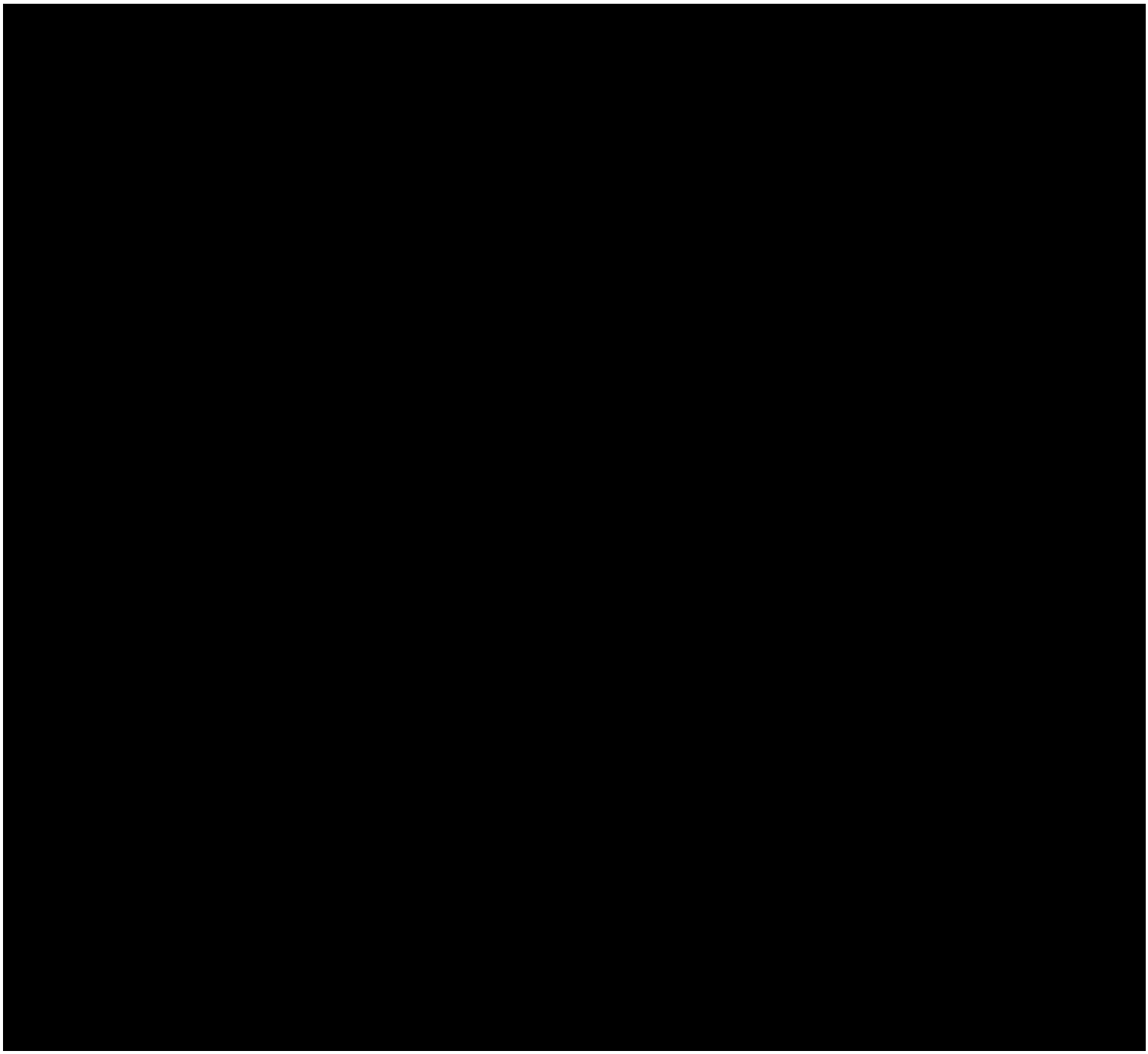



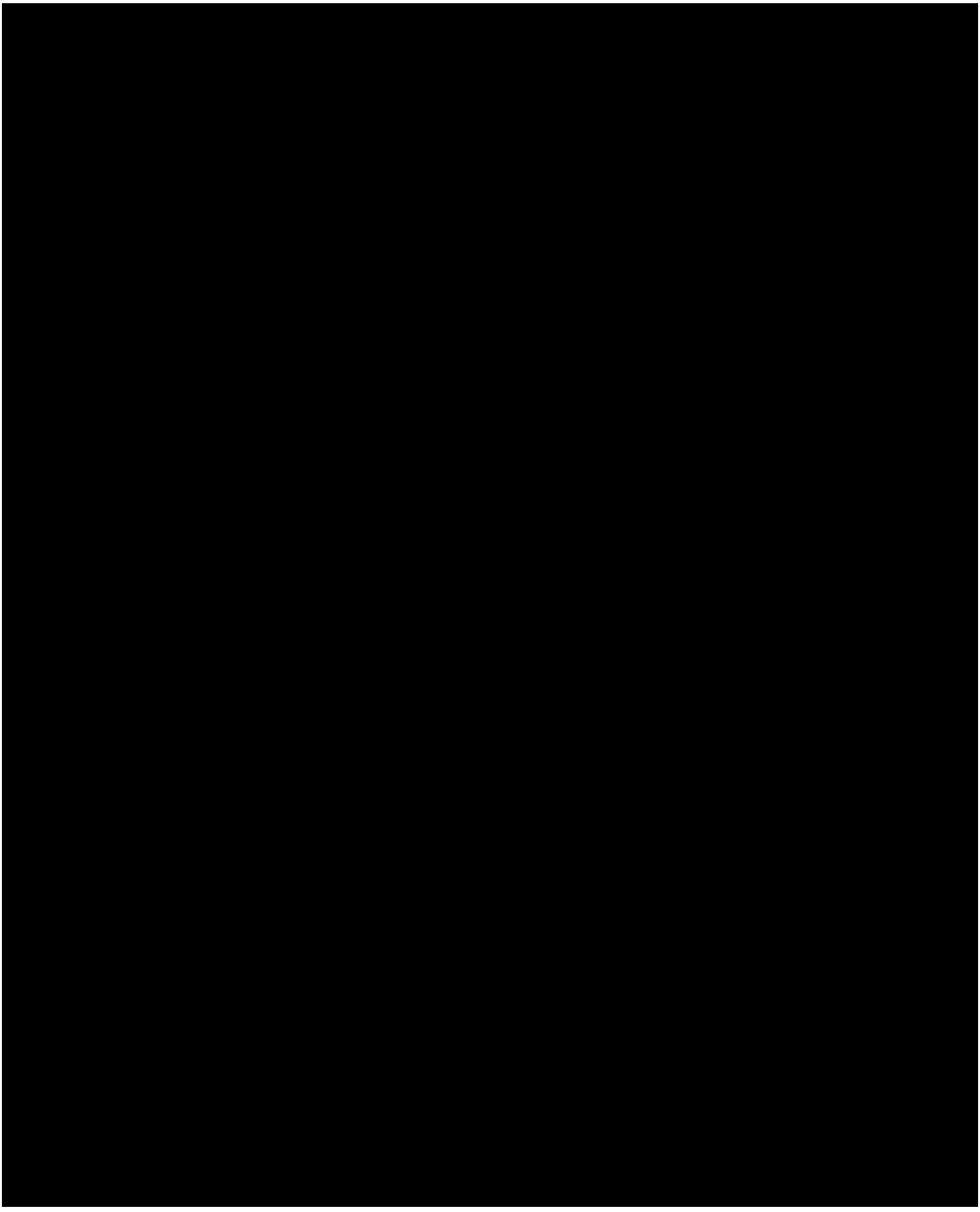

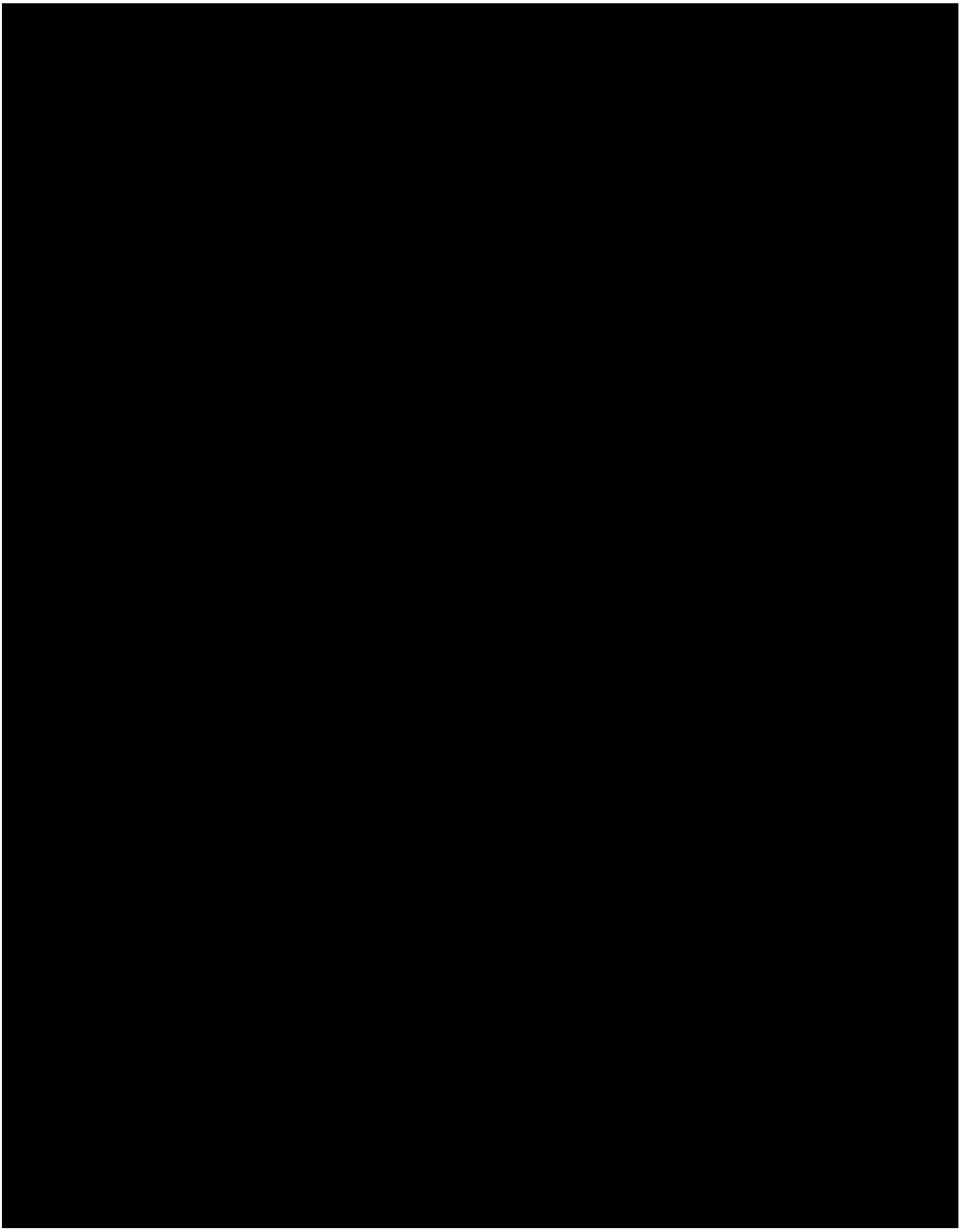

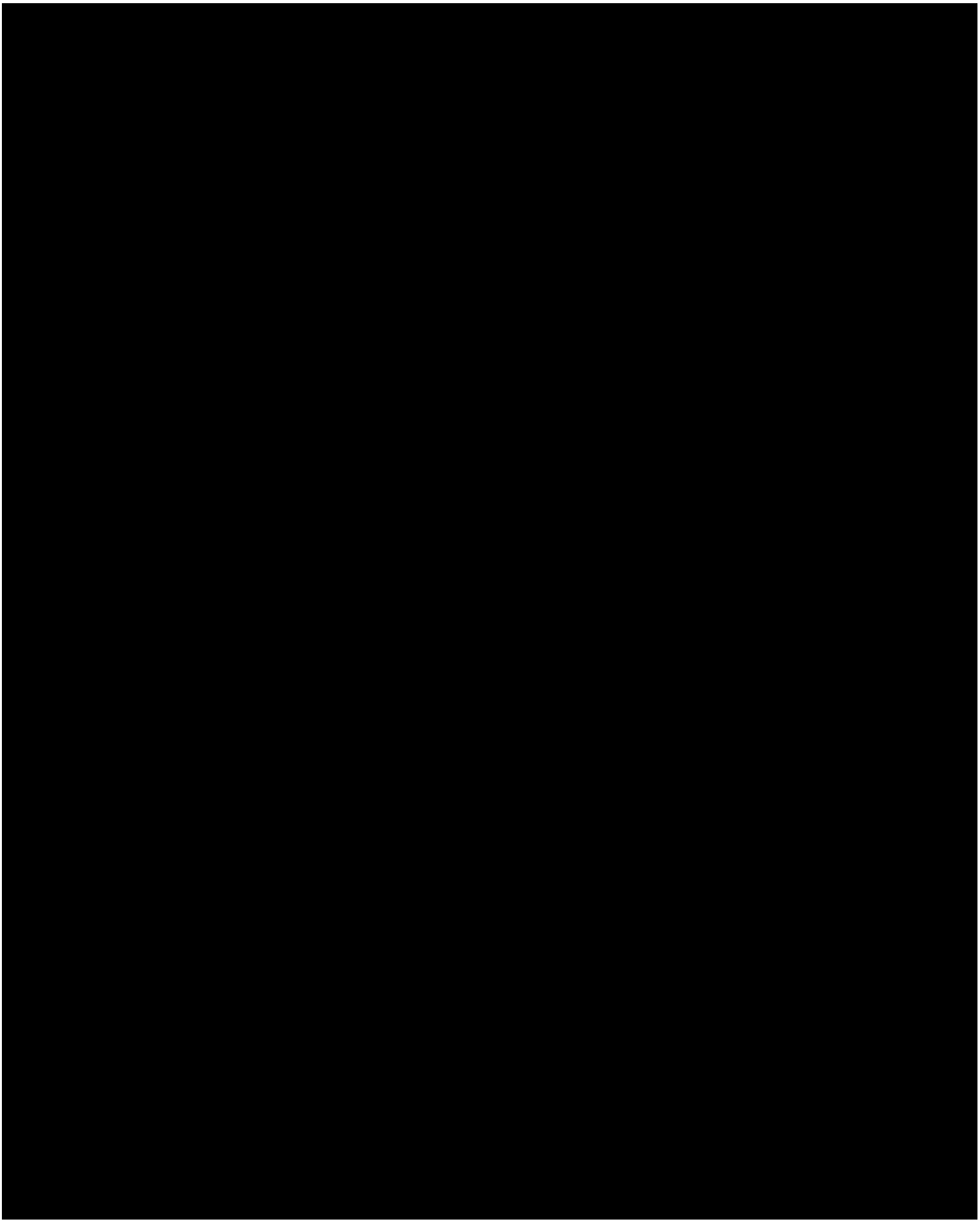

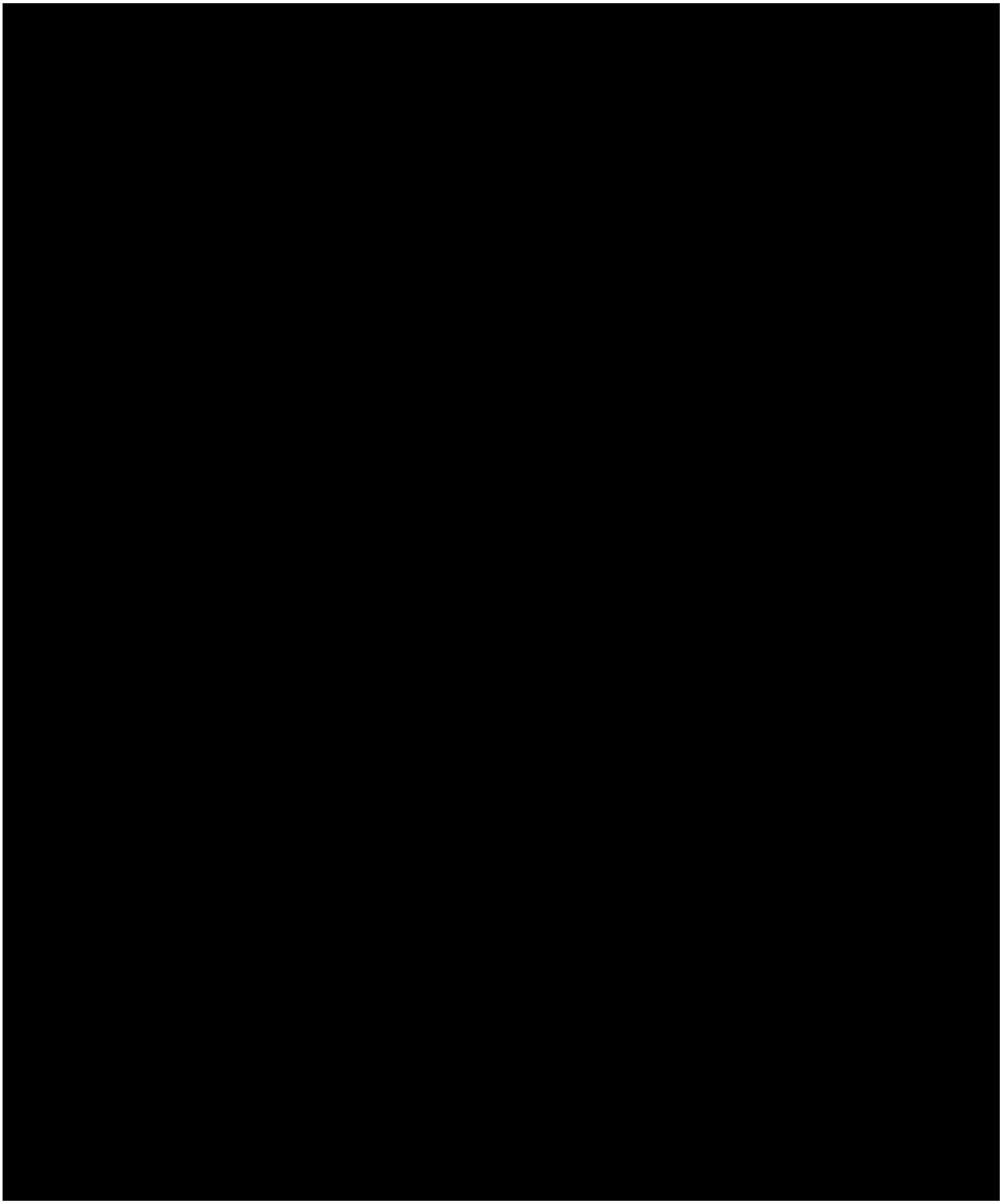

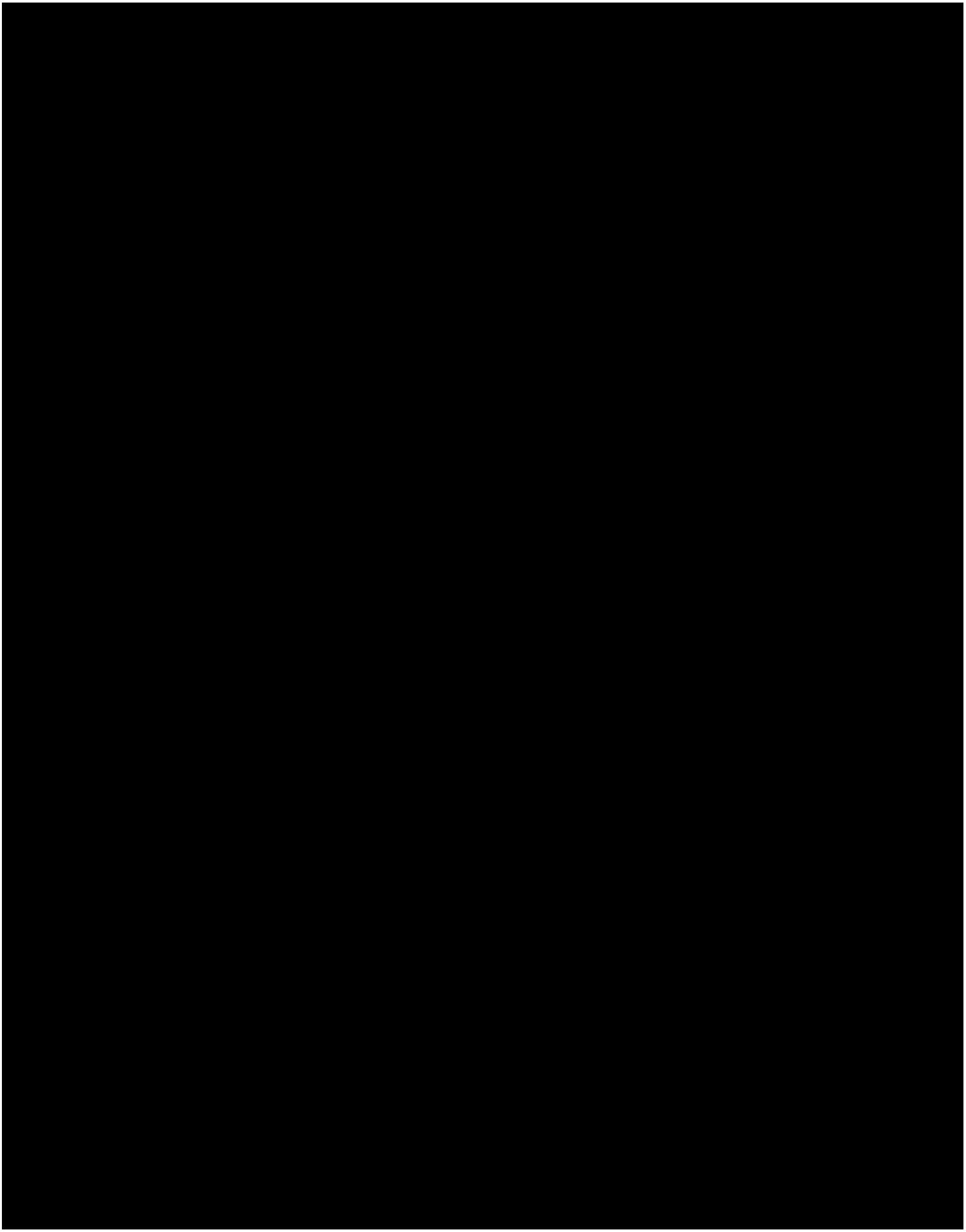

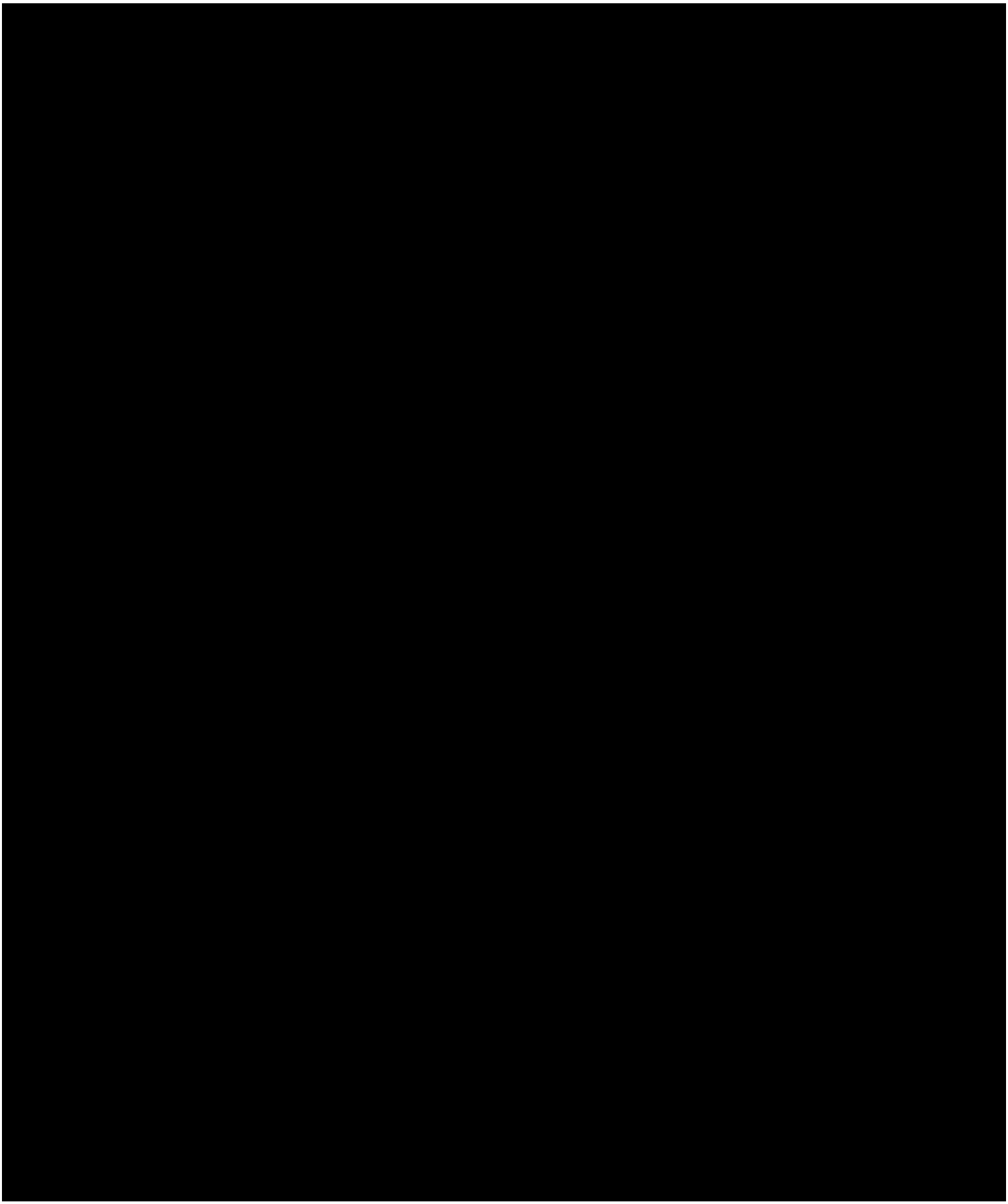

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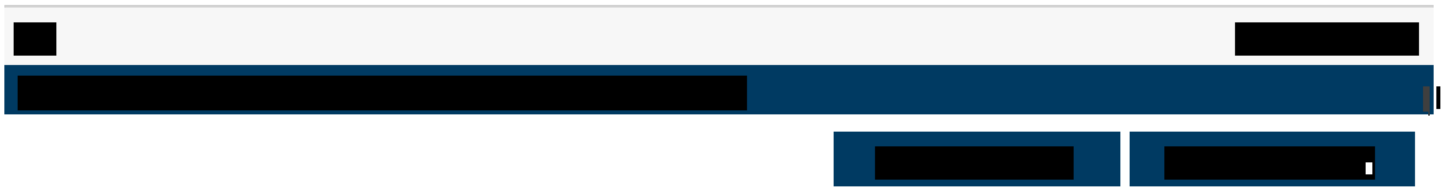

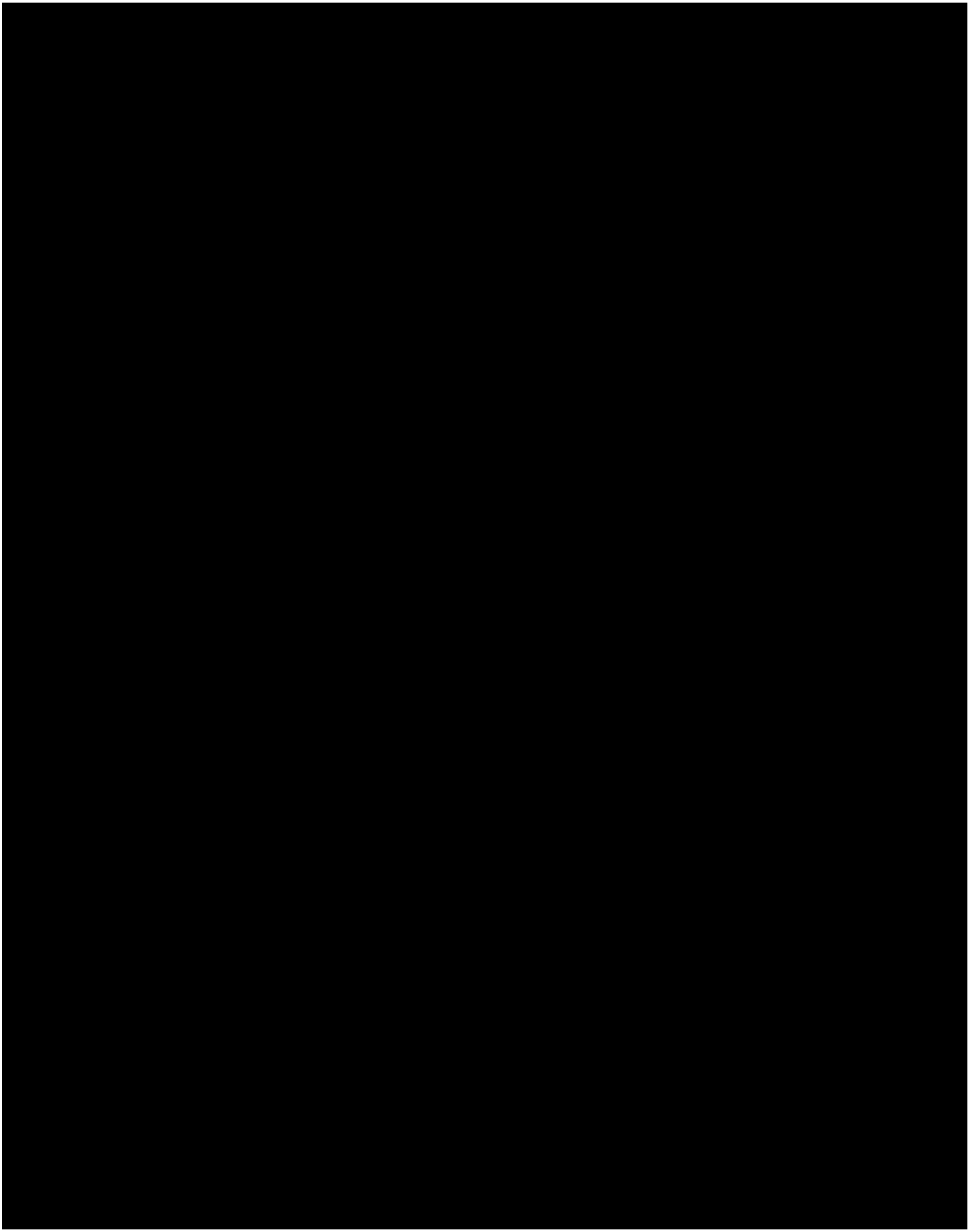

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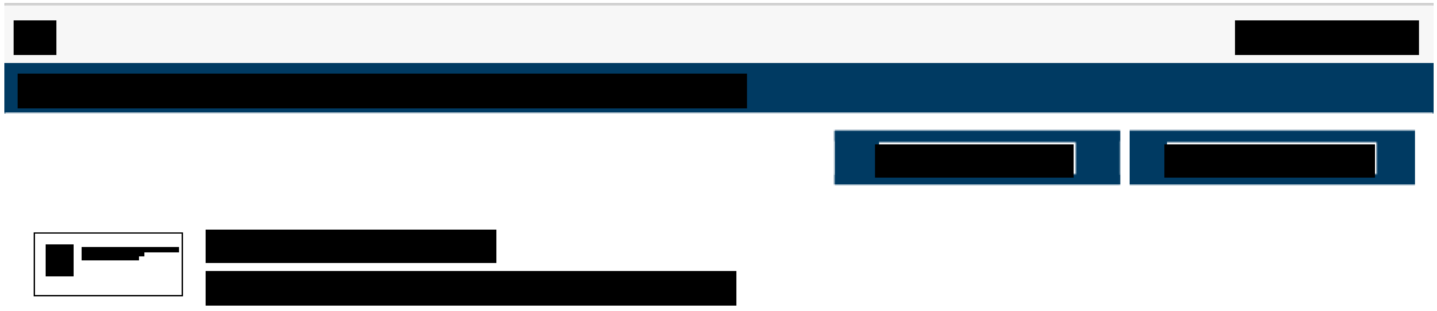

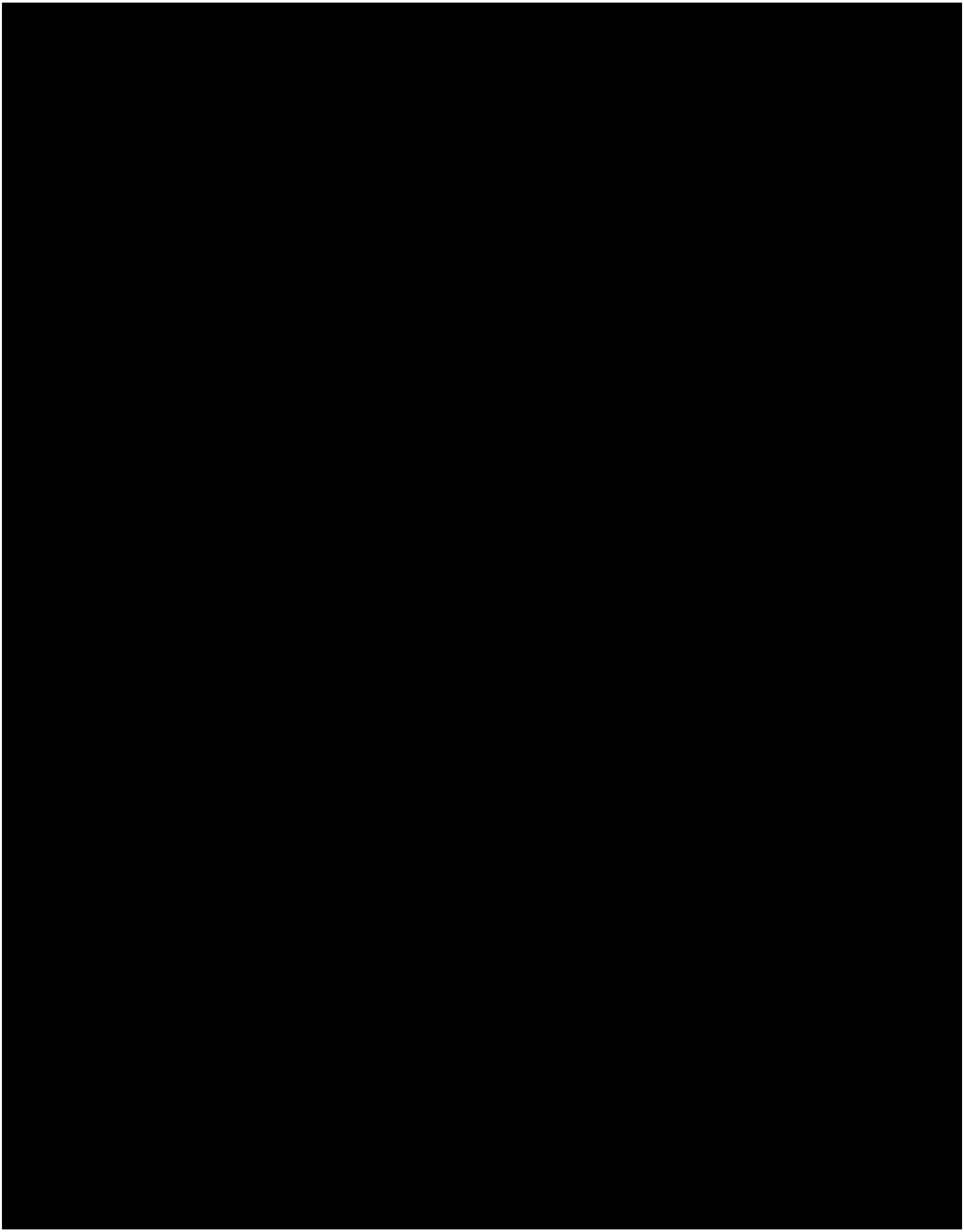

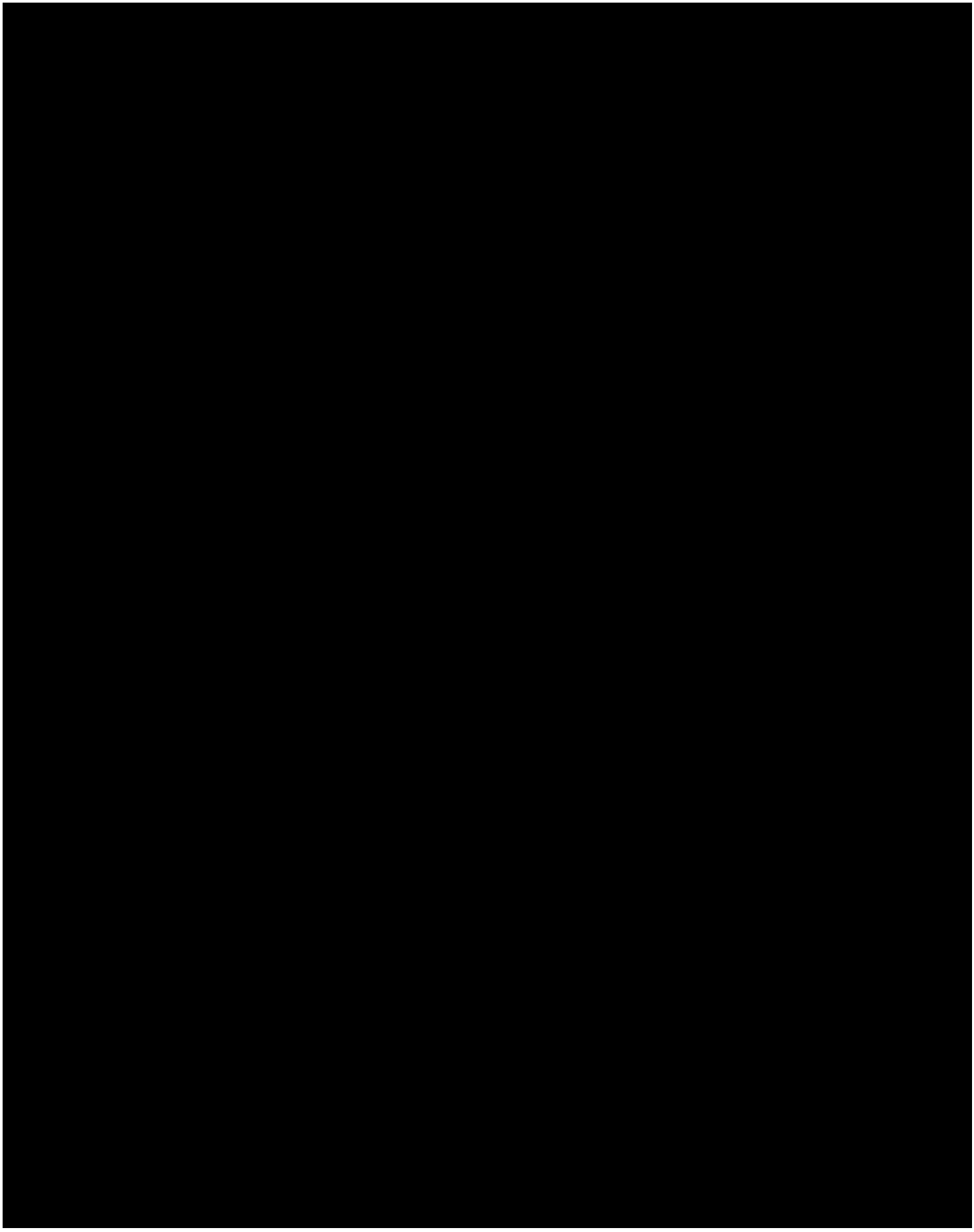

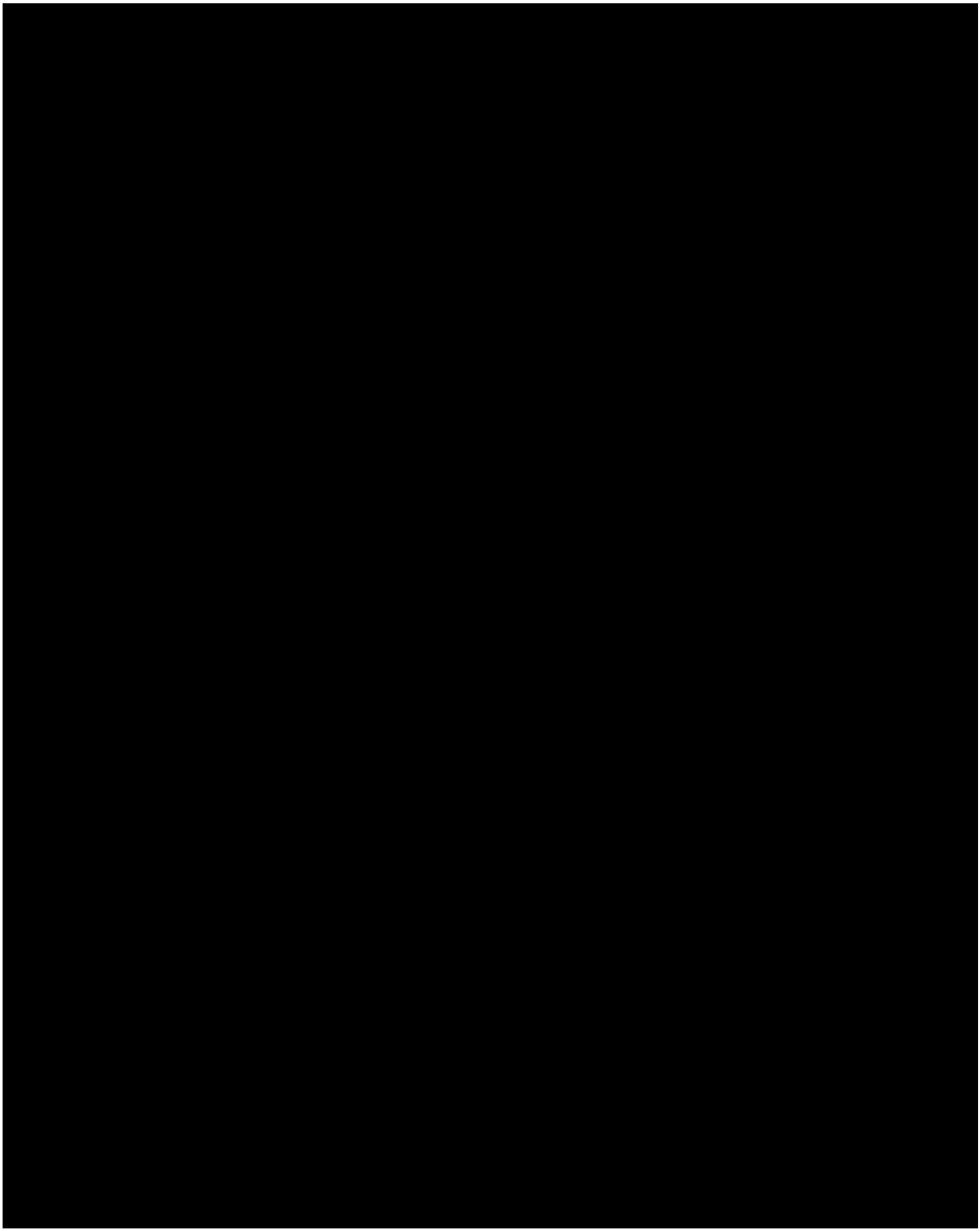

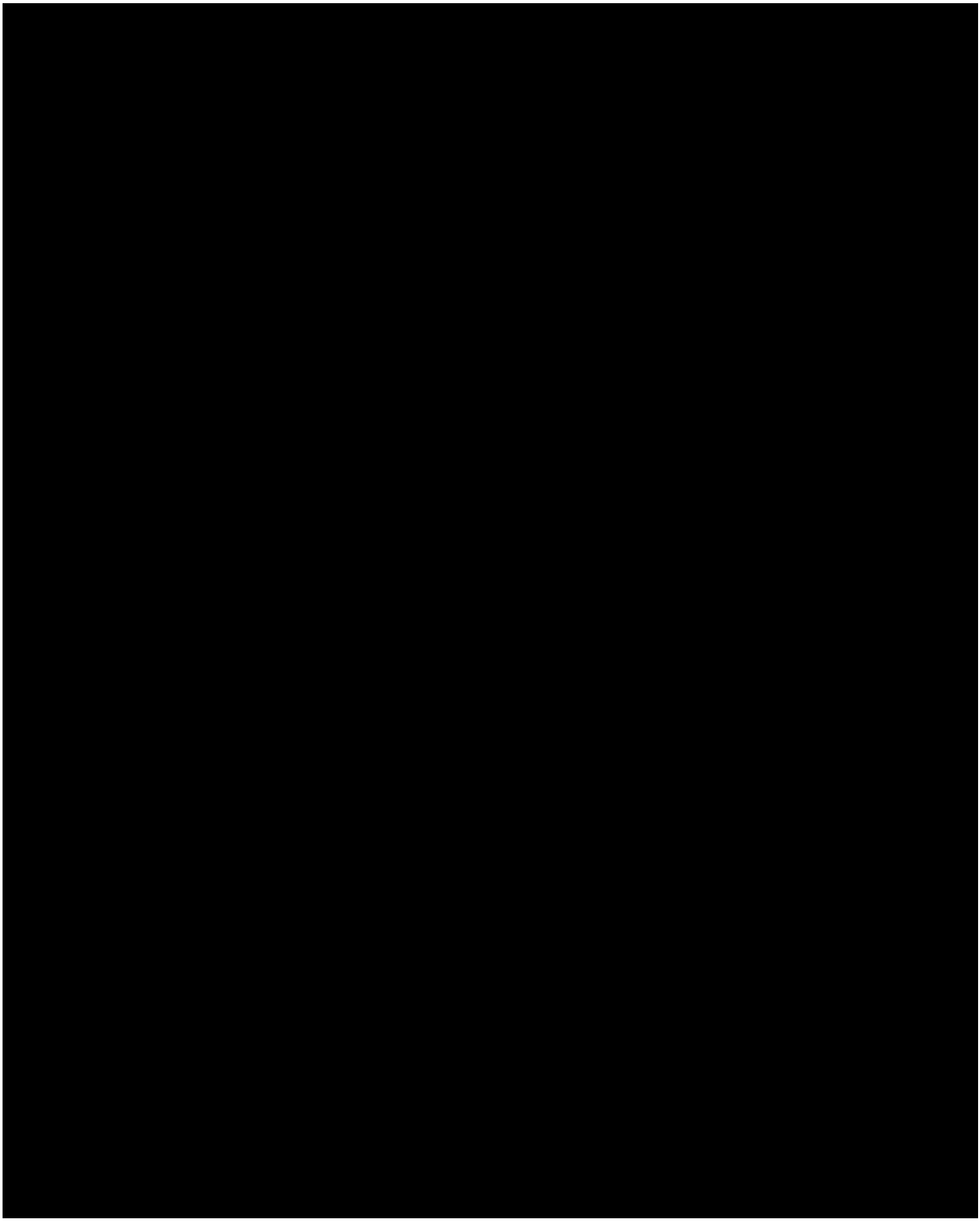

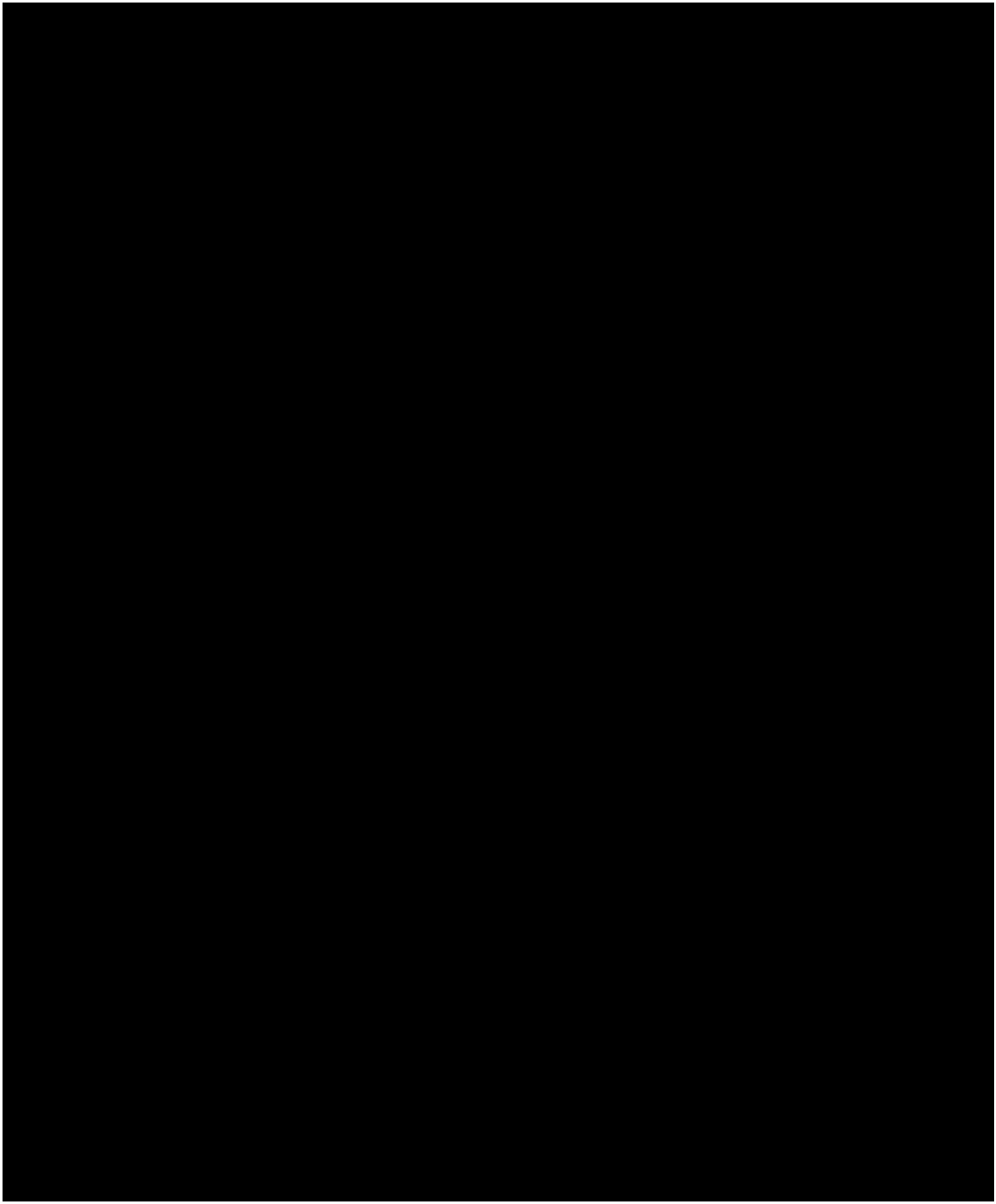

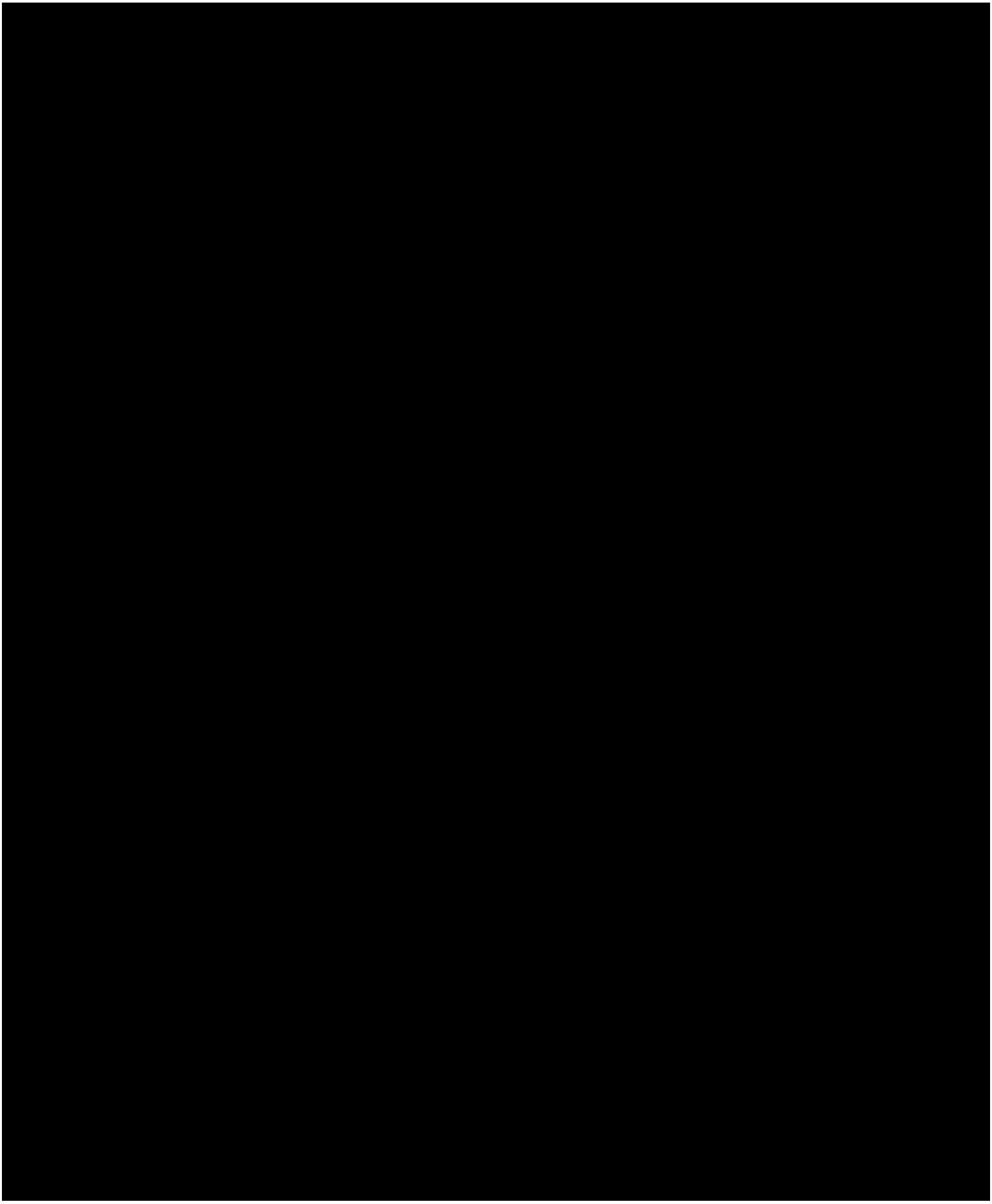

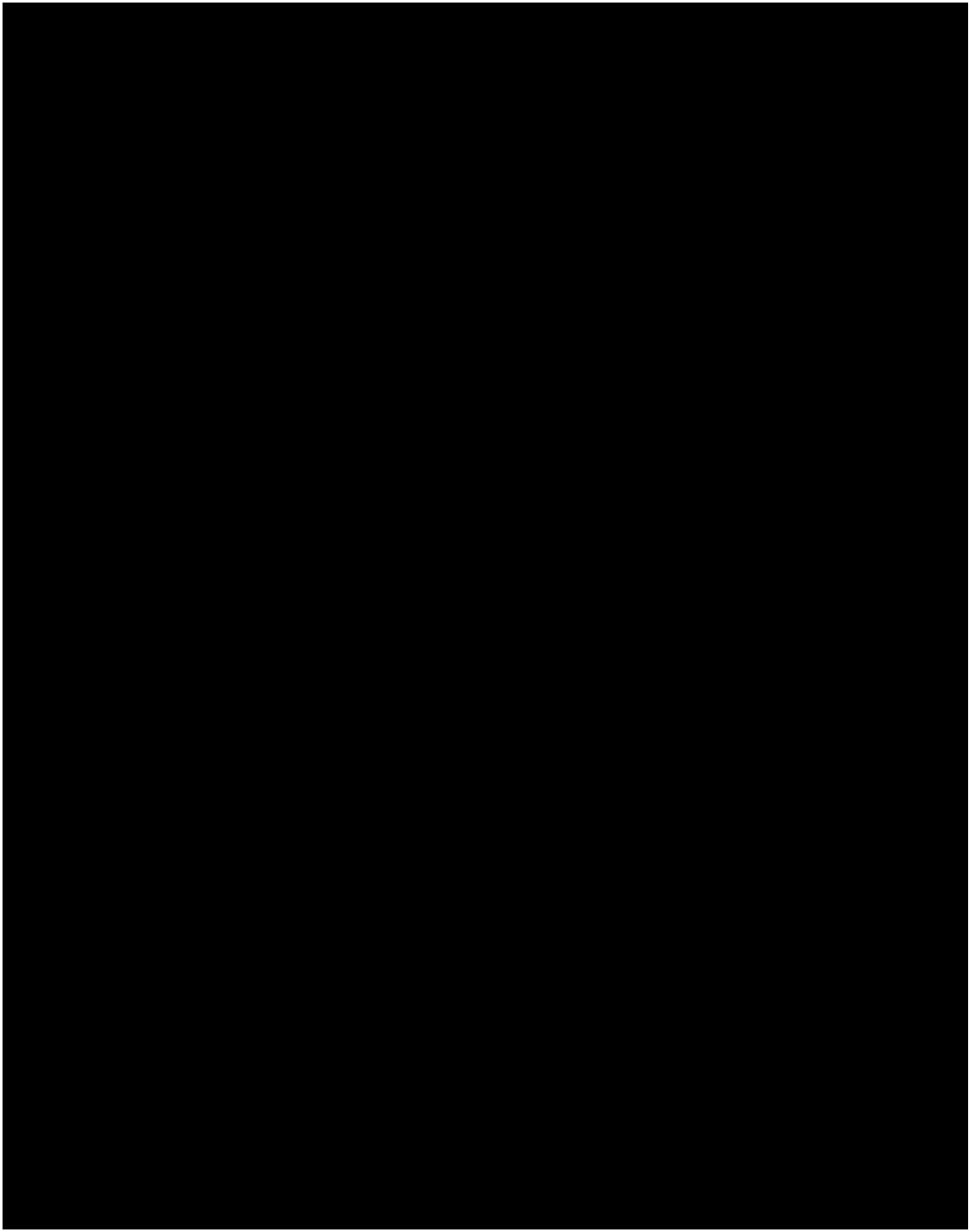



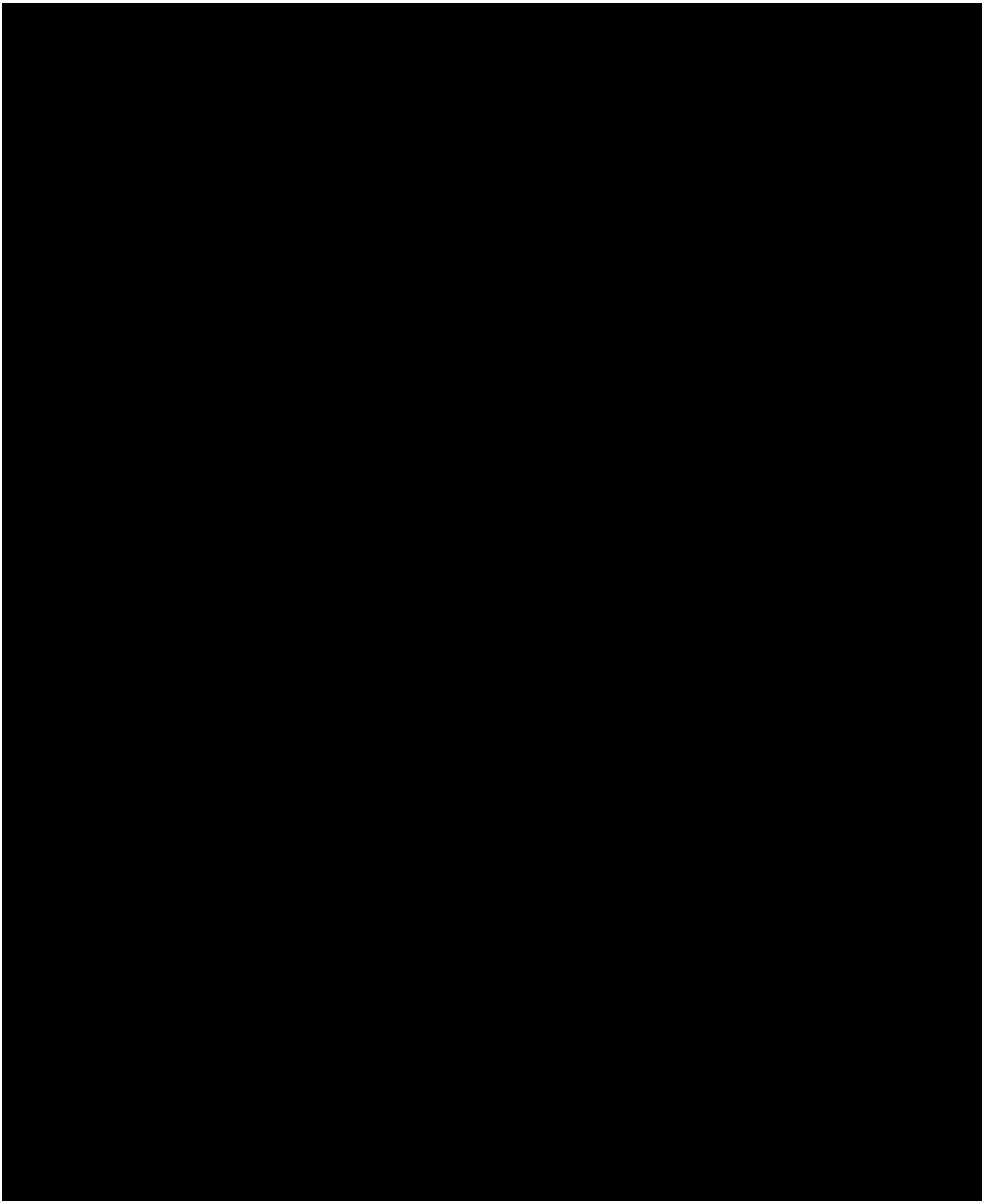



From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:17 AM
To: lisa.libby@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

WARNING: This email originated from outside of Beaufort County School District's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

Gender Identity

8. Hi Julia, I don't know if this helps, as it... Heather Boyd, RN, BSN
9. Hi Julia, I took a course on here that was... Tracy Chupp, NCSN, RN, BSN
10. Hi Julia, Here are some resources that... Paula Purcell, MEd, BSN, RN, CDDN
11. Hi, this can be tricky, especially in this day... Claire Molner, MEd, NCSN, RN, BS, AASN
12. I teach health with gender inclusive curriculum... Kat Goodell, ADN-RN, ASN
13. Hi there, I found it really helpful to... Suzanne Seldess, MA-Ed

started 3 days ago, Heather DiTrolio, BSN, RN, CVRN-BC (6 replies)



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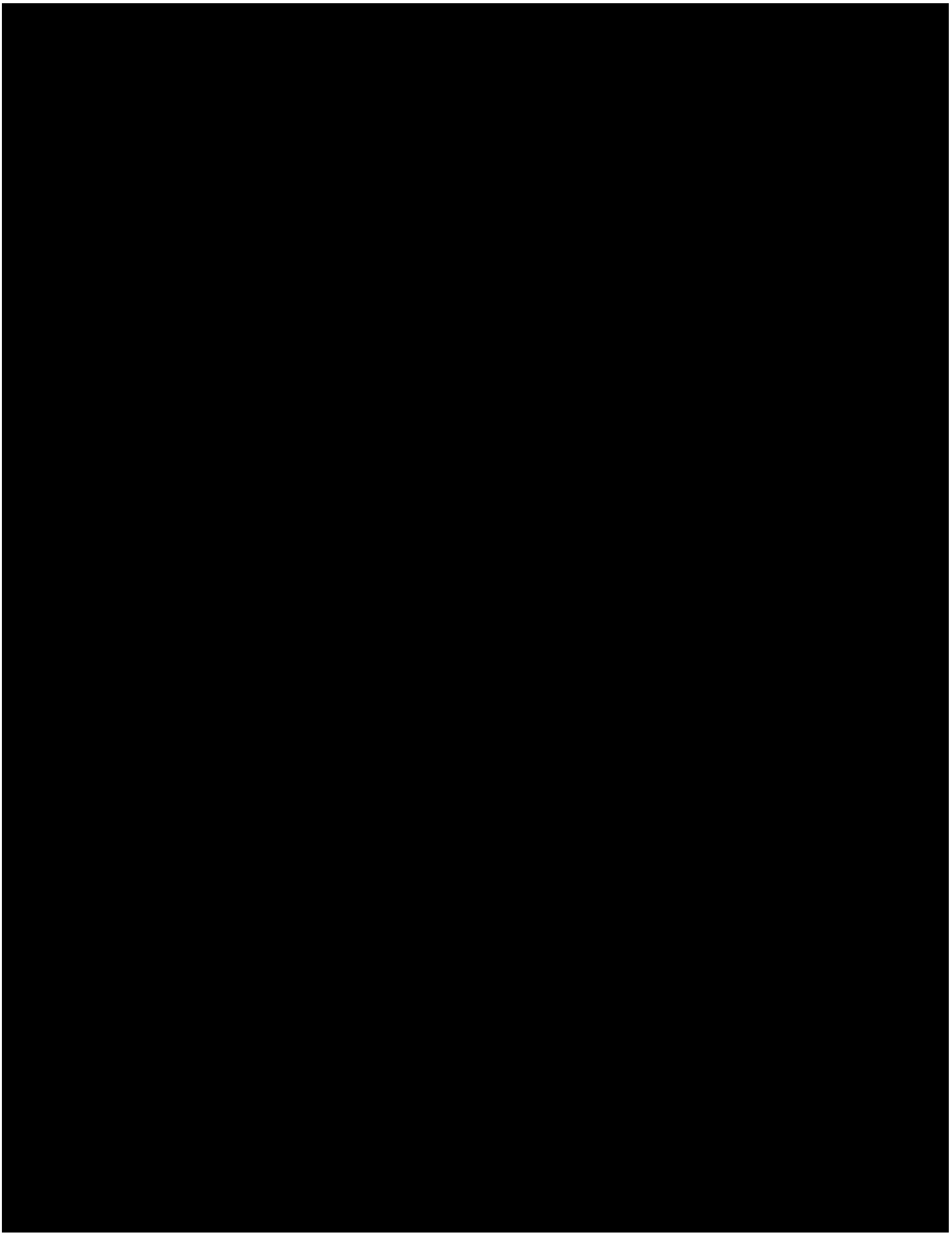

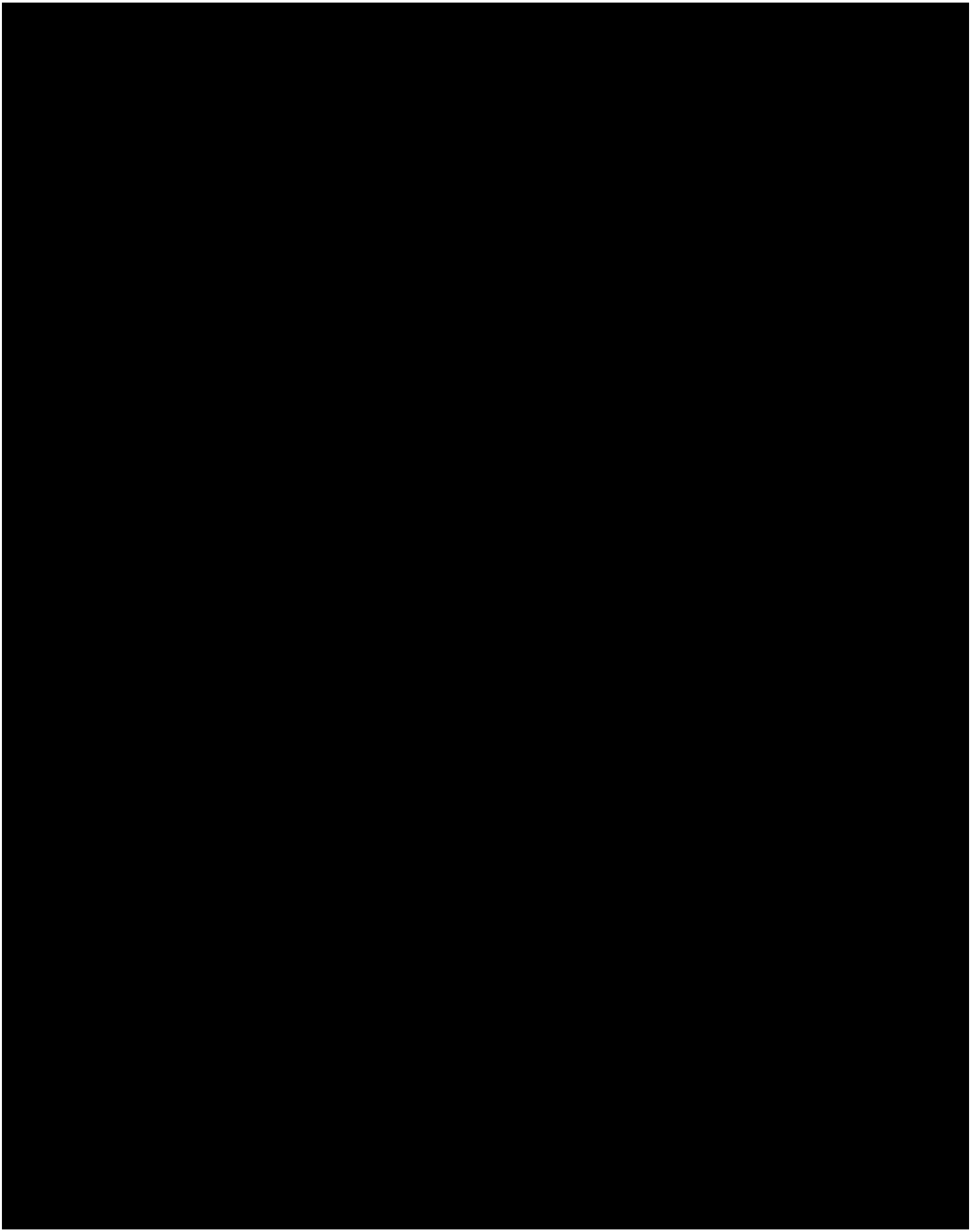

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8. Re: Gender Identity

Reply to Group Reply to Sender

[redacted] Mar 13, 2023 8:24 AM
Heather Boyd, RN, BSN

[redacted]

Hi Julia,

I don't know if this helps, as it is not a specific training, but these are the recommended topics for including sexual health are included in the CDC's HECAT (Health Education Curriculum Analysis Tool). www.cdc.gov/healthyyouth/hecat/pdf/2021/... I found it very helpful in developing the curriculum for our school. What also helped was meeting with the schools in our district and the staff who were teaching HG&D sat together to create the scope and sequence of what would be taught K-8.

Good luck!

Sincerely,

Heather

Heather Boyd RN, BSN
Lincoln Akerman School
Hampton Falls, NH United States

Reply to Group Online | View Thread | Recommend | Forward

Original Message:
Sent: 03-10-2023 14:44
From: Julia Zaino
Subject: Gender Identity

Has anyone taken any online courses or watched any resources that can help provide guidance on how to answer general questions pertaining to Gender Identity when being taught in connection with Puberty lessons. I'm not sure what questions may even be presented to me, but I'm trying to be proactive. Teachers have PD sessions and so many resources available in how to address this within classrooms, but I'm having a hard time finding anything similar in the school nurse realm and wondering if others have used anything?

Julia Zaino, RN, BSN, NCSN
MA United States
---

9. Re: Gender Identity

Reply to Group | Reply to Sender



Mar 13, 2023 8:43 AM
Tracy Chupp, NCSN, RN, BSN



Hi Julia,

I took a course on here that was super helpful!

learn.nasn.org/courses/47755

Good Luck!

Tracy

Tracy Chupp, RN, BSN, NCSN
Southport High School
Indianapolis, Indiana USA

Reply to Group Online View Thread Recommend Forward

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Julia Zaino, RN, BSN, NCSN
MA United States
---

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10. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 9:22 AM
Paula Purcell, MEd, BSN, RN, CDDN

Hi Julia,



Here are some resources that include information about transgender individuals. It's not for the school nurse specifically but are good resources to have nonetheless.

Paula

1.Gender Spectrum's Gender Support Plan:
genderspectrum.org/articles/using-the-gsp

1. PDF of plan linked here

2. Safe Schools Program for LGBTQ Students website, including links to request free training/technical assistance:
www.mass.gov/info-details/...

4. Family Equality's Book Nook, a comprehensive list of the best LGBTQ+ books for the whole family, you may find something here:Family Equality's "Book Nook"

5. Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment:
www.doe.mass.edu/sfs/lgbtq/genderidentity.html

6. Massachusetts Transgender Political Coalition
www.masstpc.org/mission-values

Paula Purcell M.Ed, BSN, RN, CDDN
School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

Reply to Group Online View Thread Recommend Forward

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Julia Zaino, RN, BSN, NCSN
MA United States
---

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11. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 12:46 PM
Claire Molner, MEd, NCSN, RN, BS, AASN



Hi, this can be tricky, especially in this day and age, and depending on where you live. Look at Rights, Respect, Responsibility curriculum (www.3rs.org/), which is a FREE K-12 sexuality education curriculum. It is HECAT standard, and meets the national sexuality education standards. Having said that, I very much cherry picked this curriculum, and largely used it for my own knowledge base. There are some amazing activities to do with kids, and is always gender inclusive. If you are looking for a way to create a gender inclusive classroom/office, or for activities that explain issues to kids this is excellent, but could be super controversial. Good luck. c

---
[Claire [Molner] [RN NCSN]

Reply to Group Online View Thread Recommend Forward

Original Message:
Sent: 03-10-2023 14:44
From: Julia Zaino
Subject: Gender Identity

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Julia Zaino, RN, BSN, NCSN
MA United States
---

12. Re: Gender Identity



Mar 13, 2023 1:07 PM
Kat Goodell, ADN-RN, ASN



I teach health with gender inclusive curriculum from the 3 R's and Advocates for Youth. They also have curriculum on teacher gender terminology as well as many others. A good site for videos related to this topic, which my 5th and 6th grade groups love, is amaze.org You can also reach out to your local LGBTQ advocacy group for training.

Hope this gets you started in the right direction!

www.3rs.org/download-3rs

https://amaze.org/

Kat Goodell ADN-RN, ASN
Westminster Schools
Westminster, VT United States

Reply to Group Online View Thread Recommend Forward

Original Message:
Sent: 03-10-2023 14:44
From: Julia Zaino
Subject: Gender Identity

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Julia Zaino, RN, BSN, NCSN
MA United States
---

top previous next

13. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 1:45 PM
Suzanne Seldess, MA-Ed

Hi there,



I found it really helpful to request our district's sex ed curriculum. I was given binders for our 6th grade, 8th grade, and high school level with the course information. It helped me understand what's being taught so I can use similar language when students come in to ask questions, etc.

Suzanne Seldess MA-Ed
San Diego, CA United States

Reply to Group Online View Thread Recommend Forward

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Sent: 03-10-2023 14:44
From: Julia Zaino
Subject: Gender Identity

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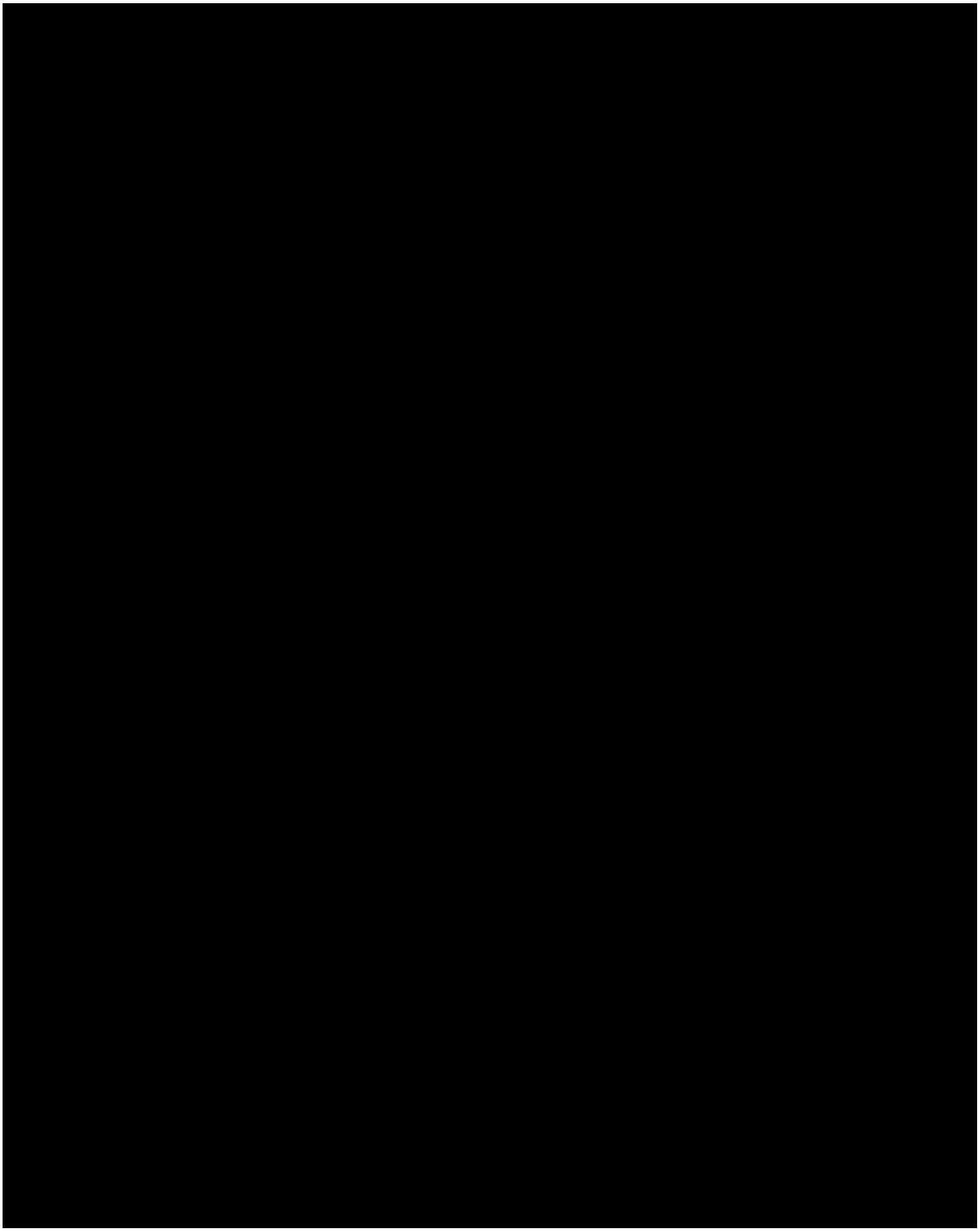
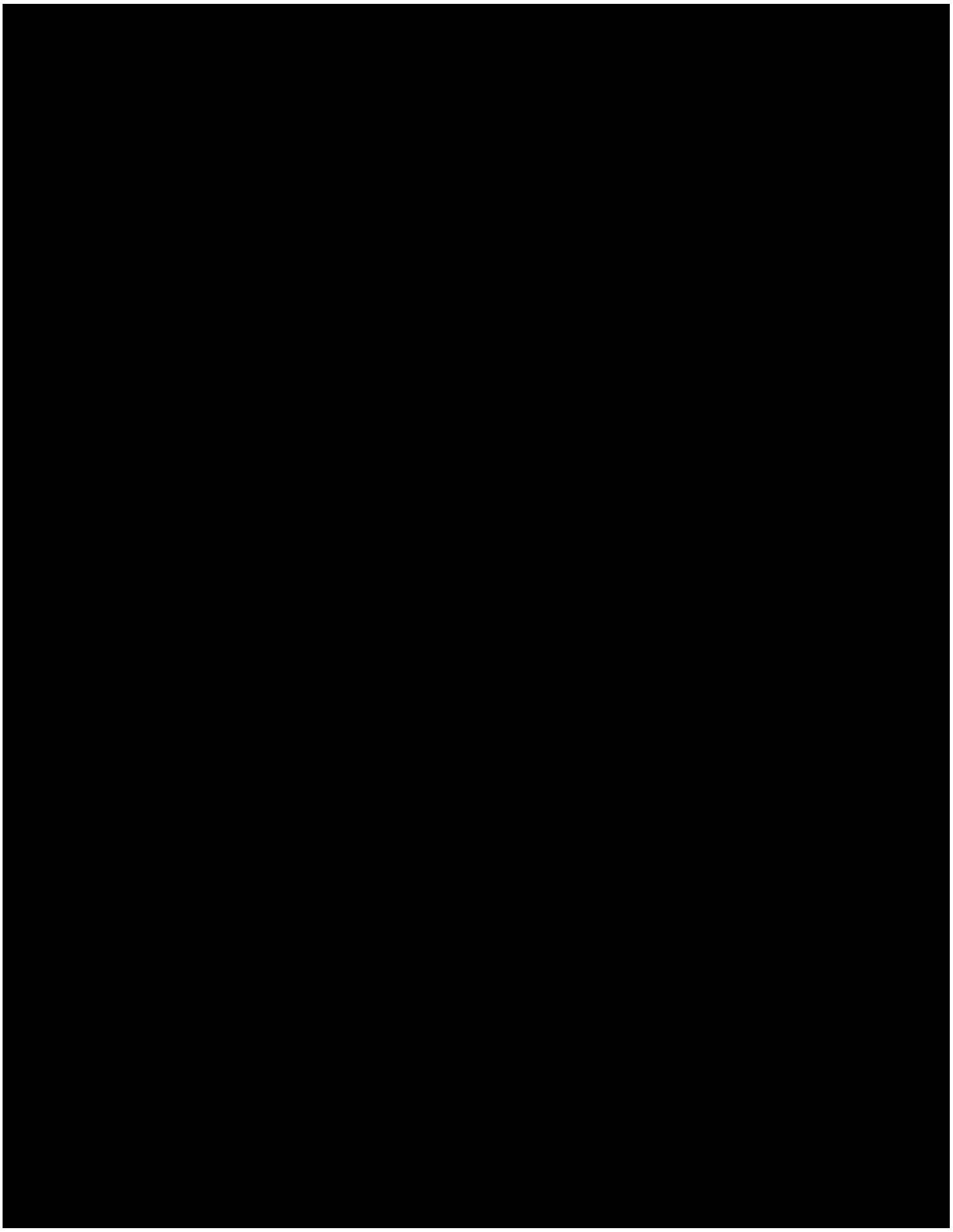
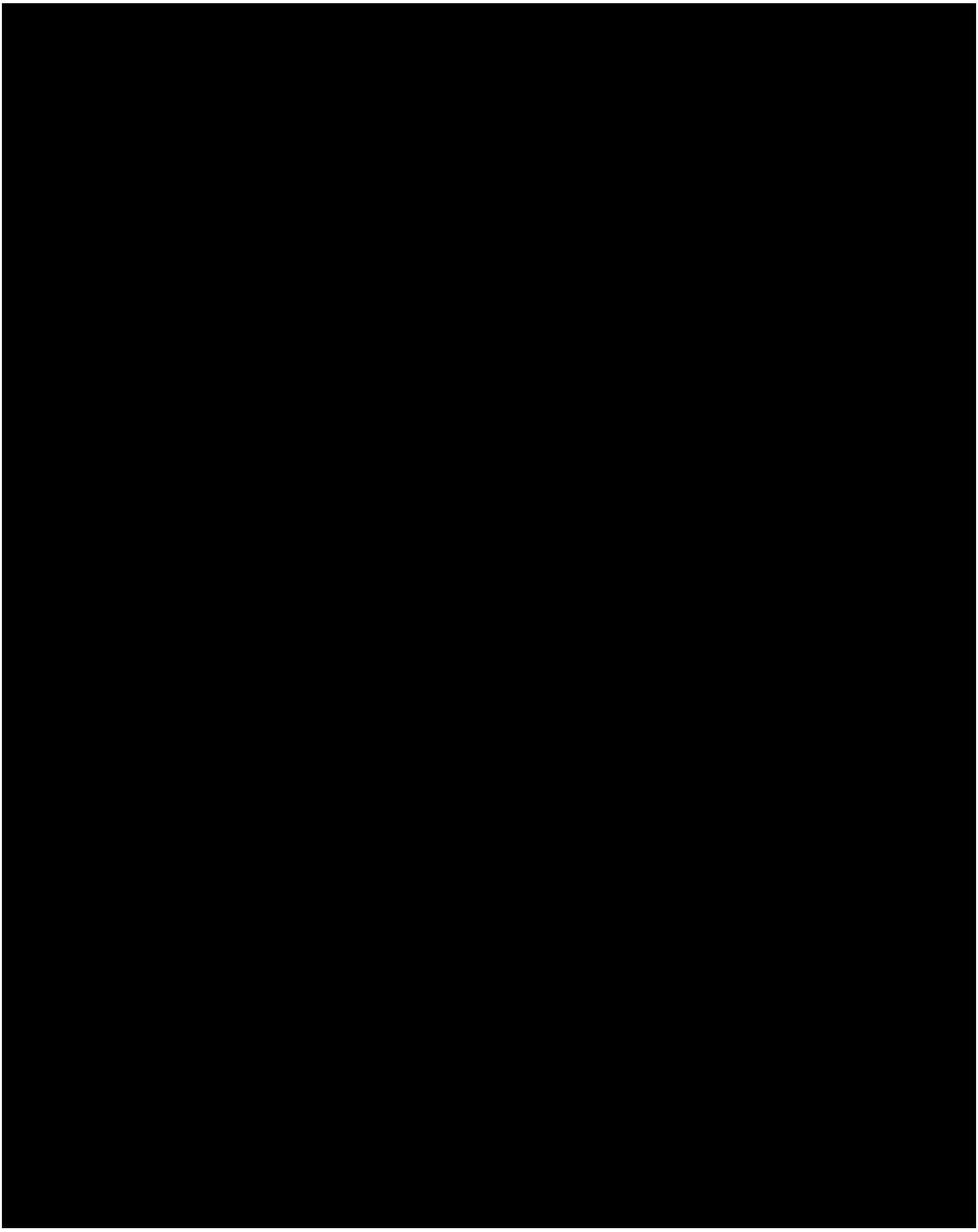
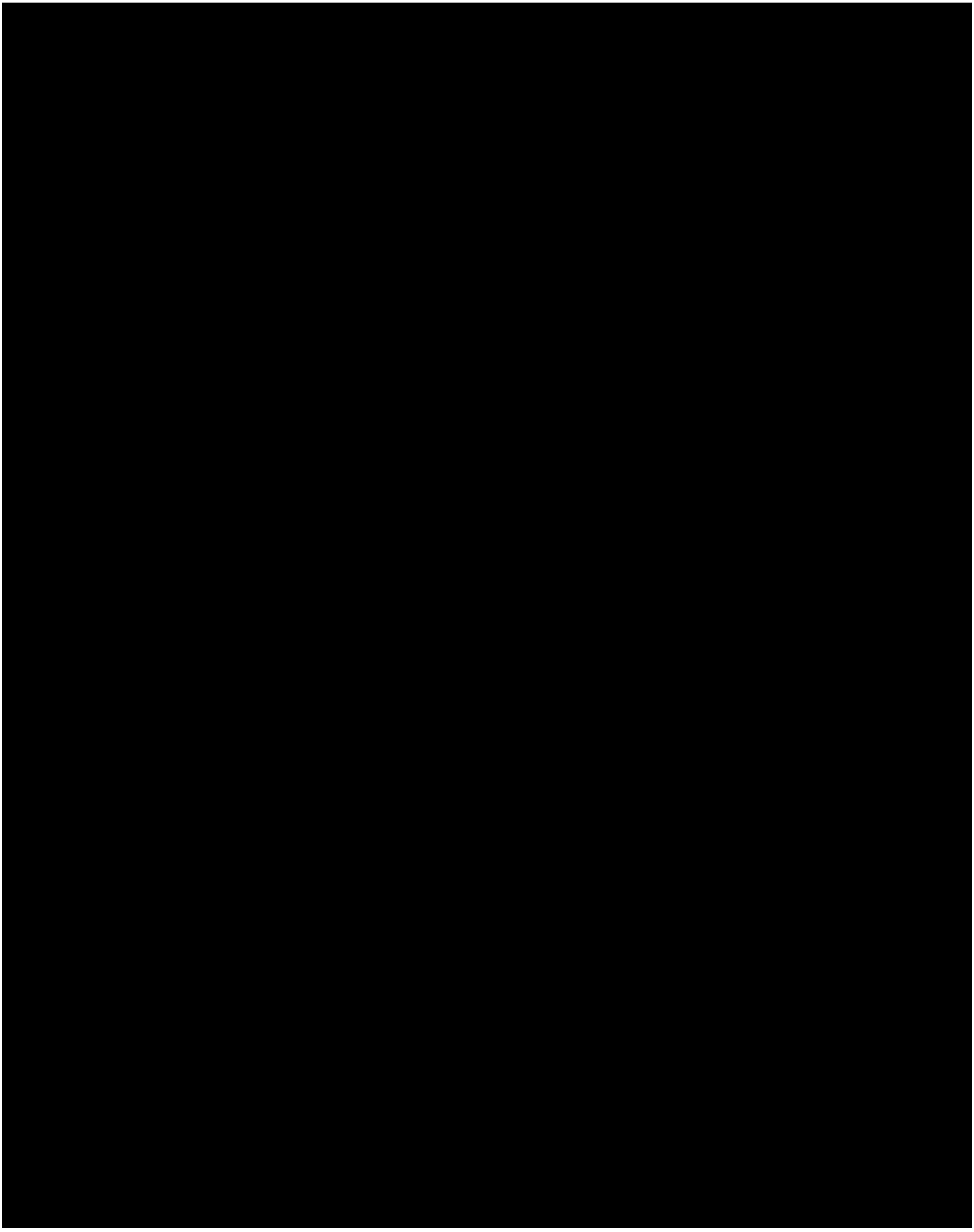
Julia Zaino, RN, BSN, NCSN
MA United States

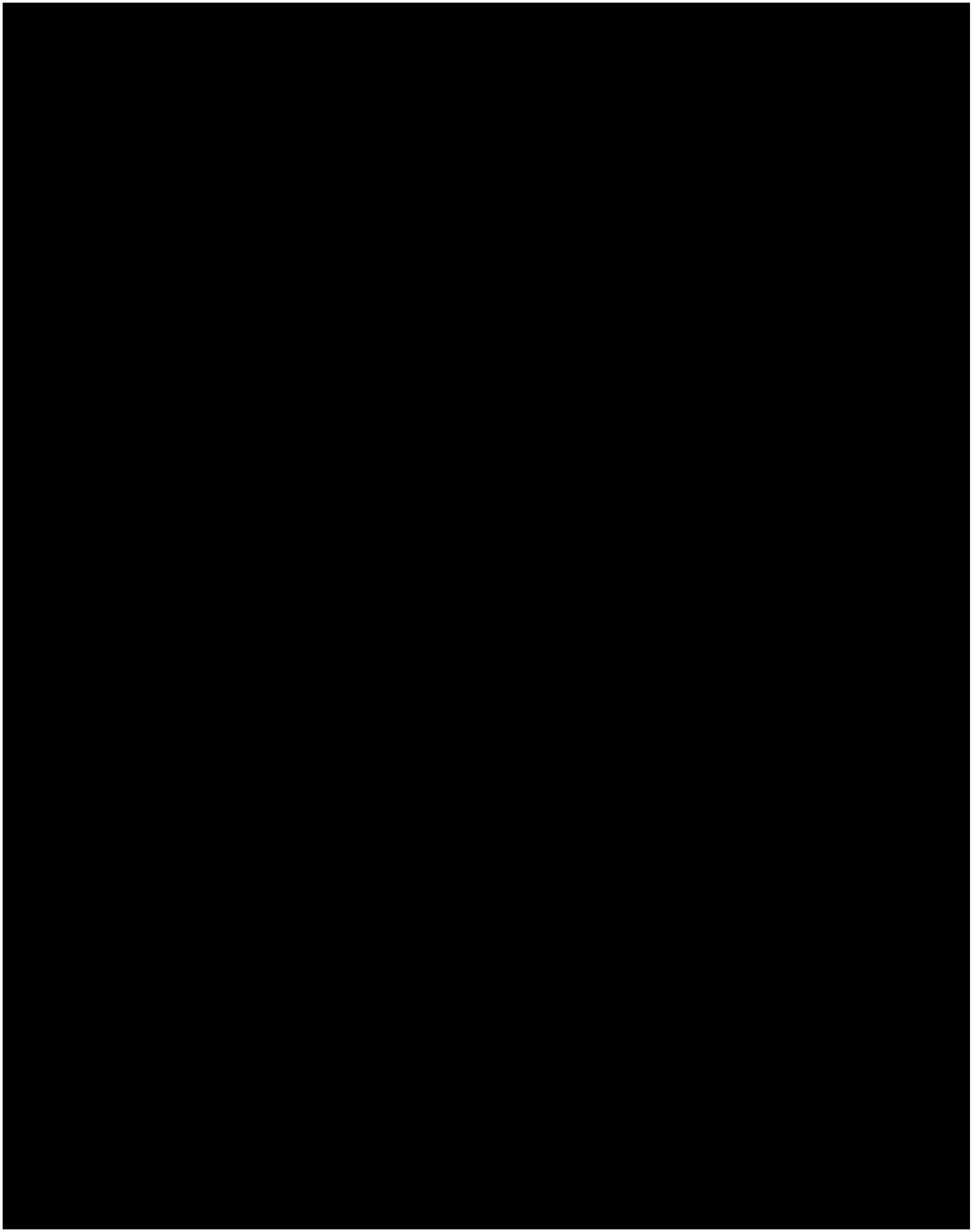


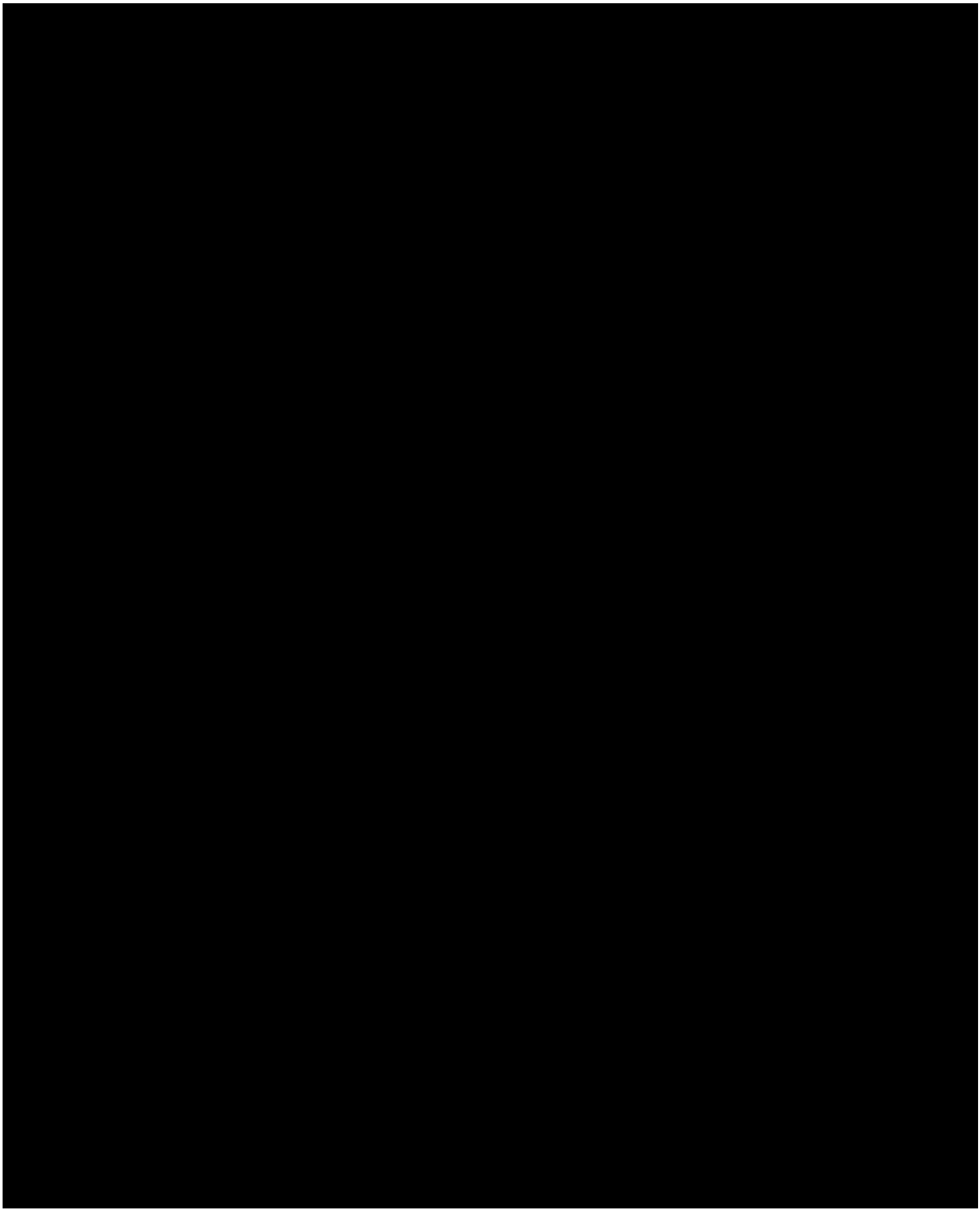












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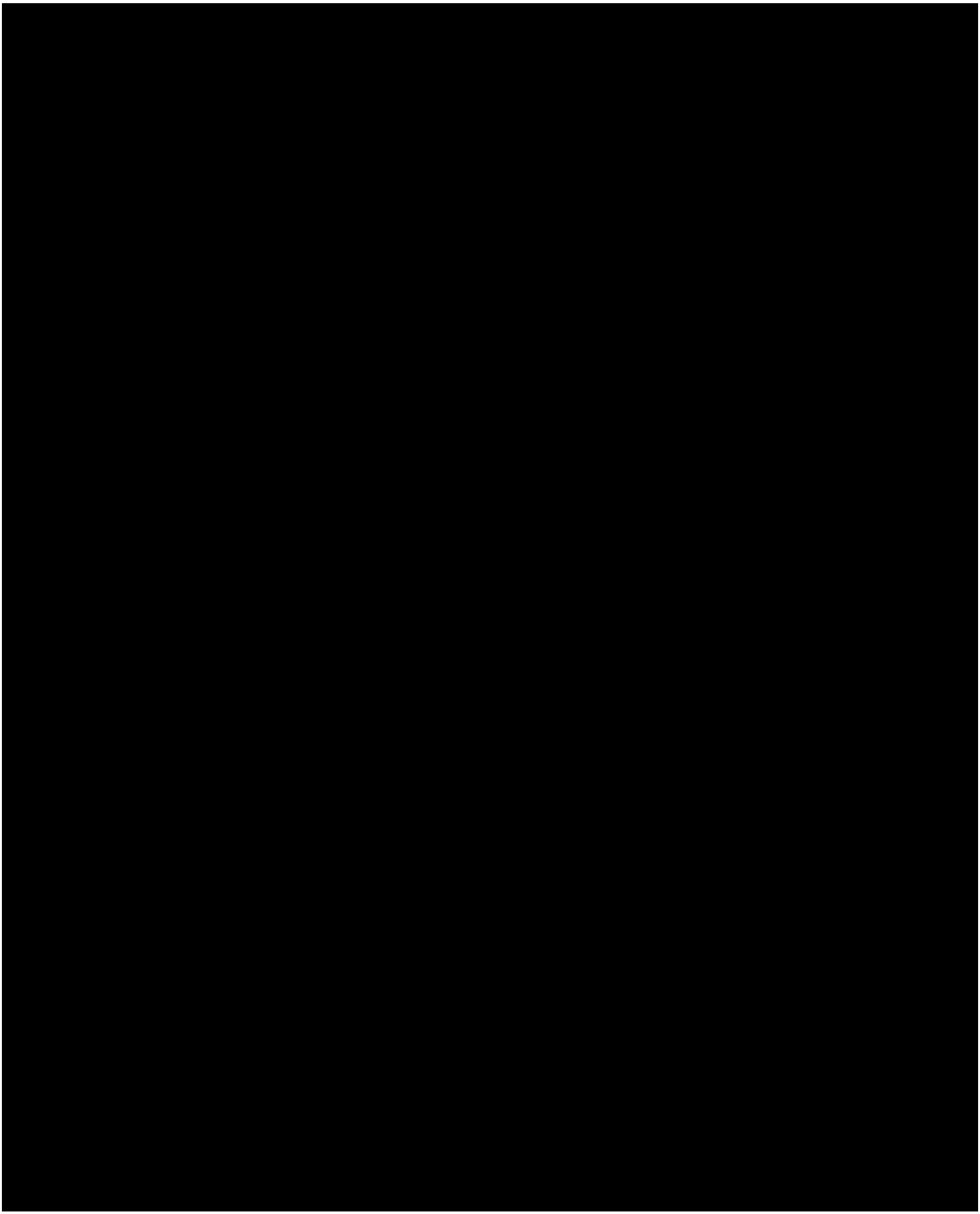



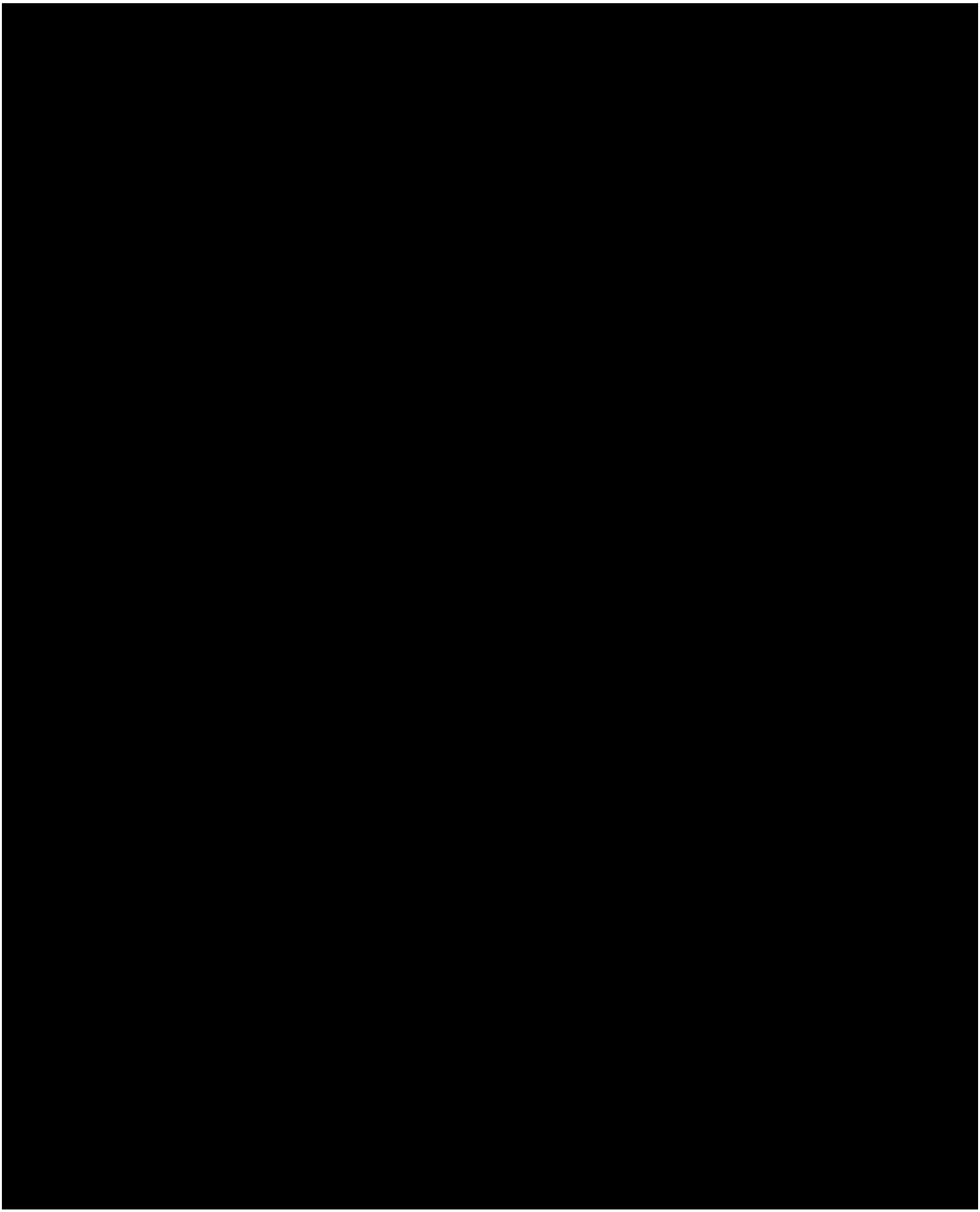

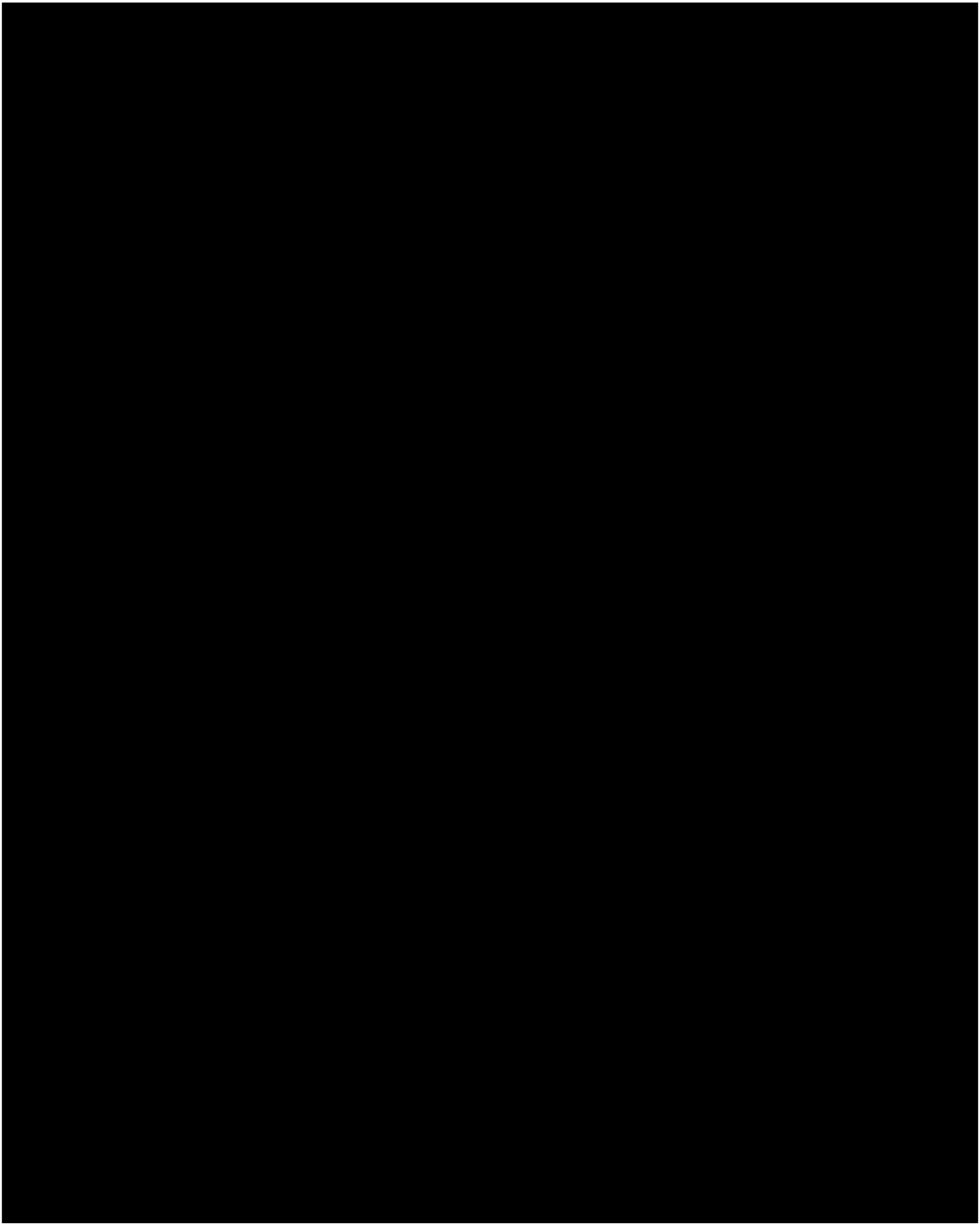

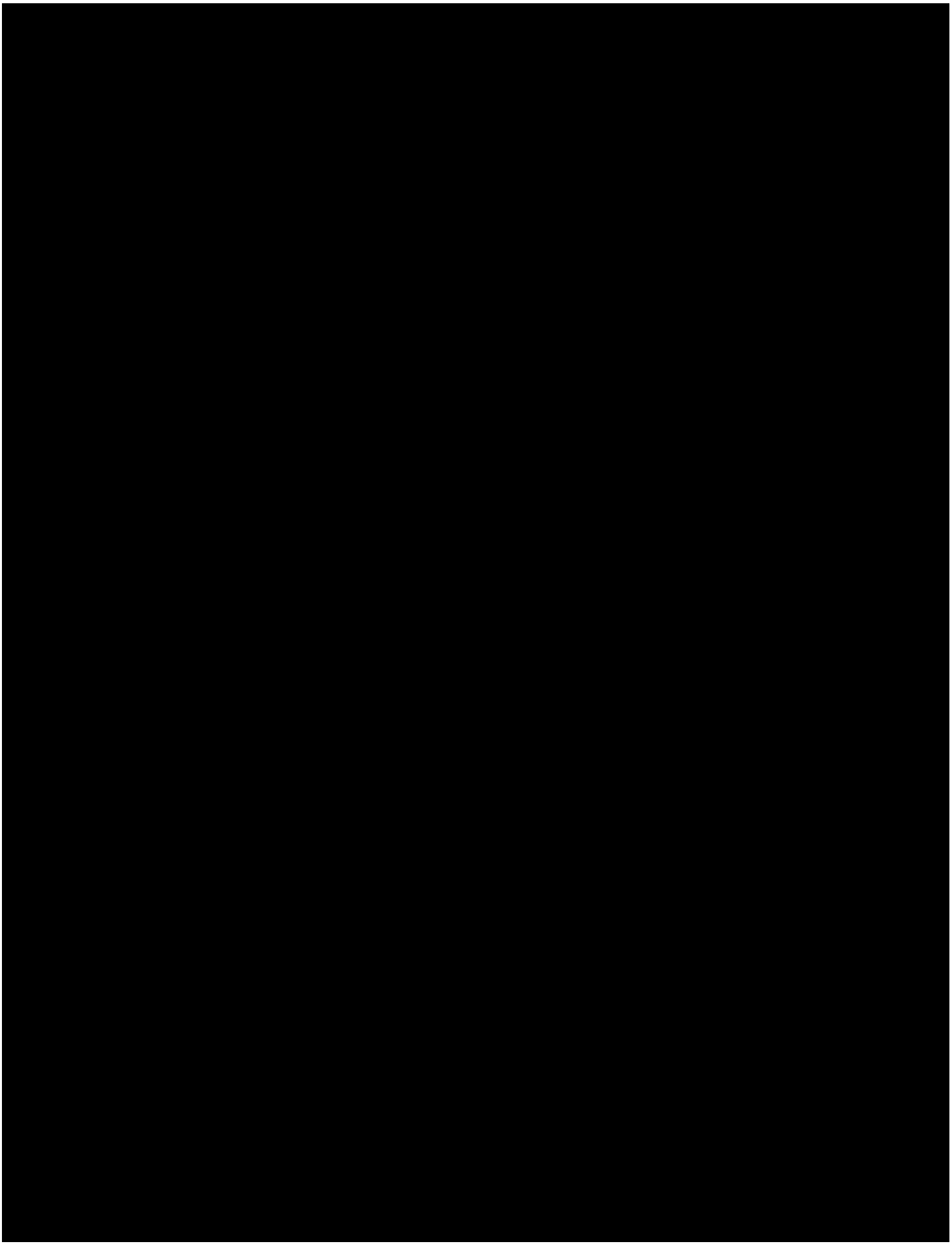

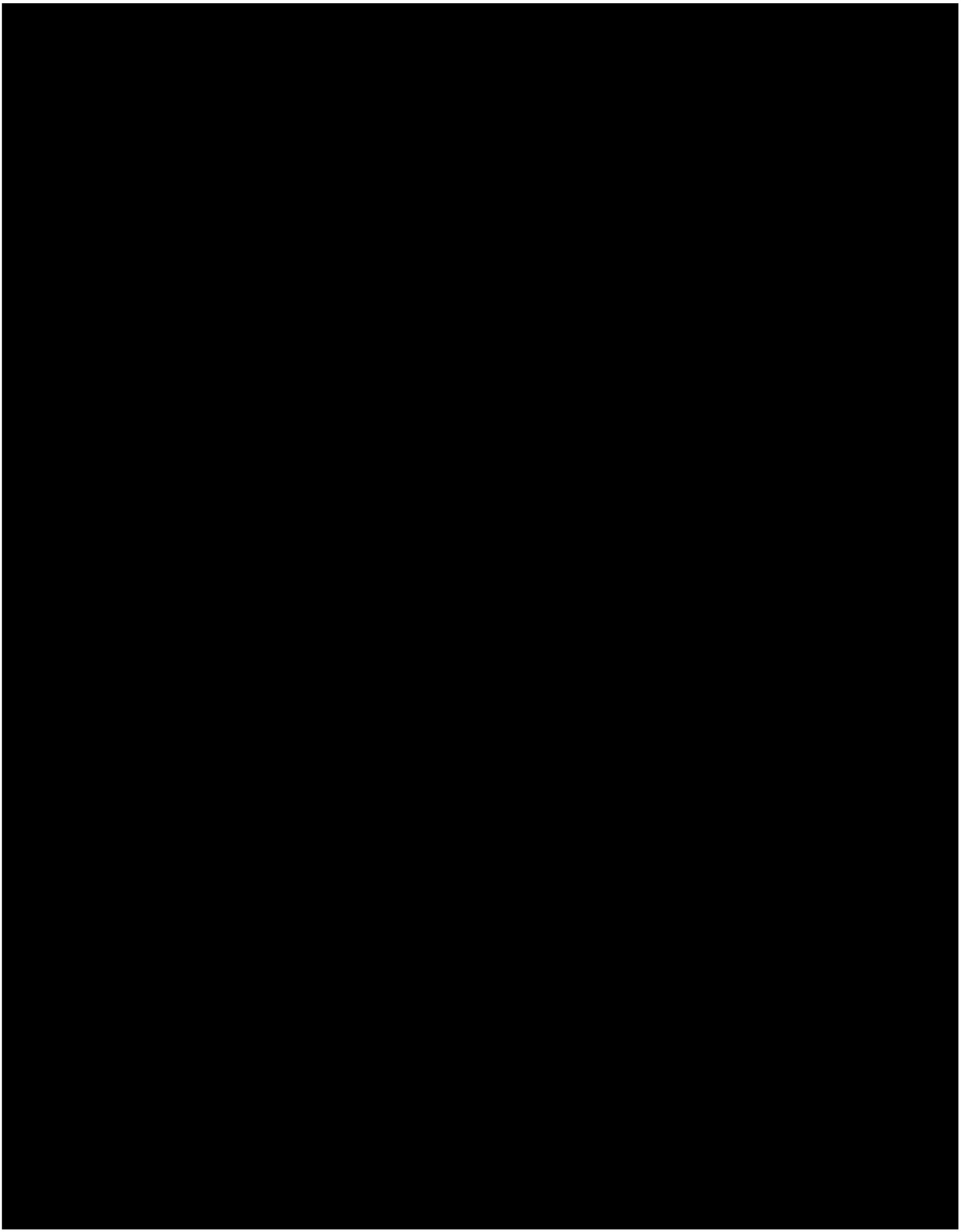

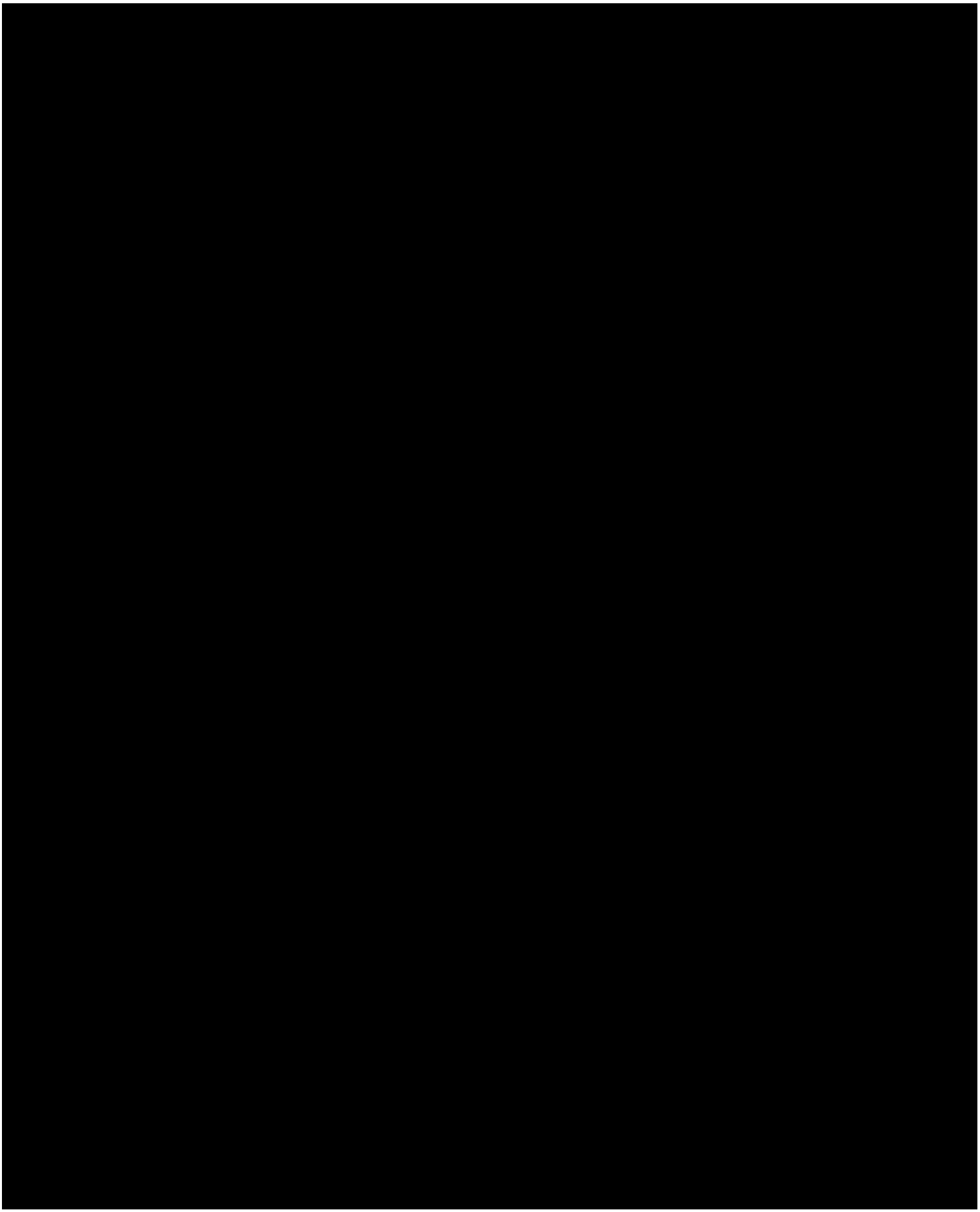

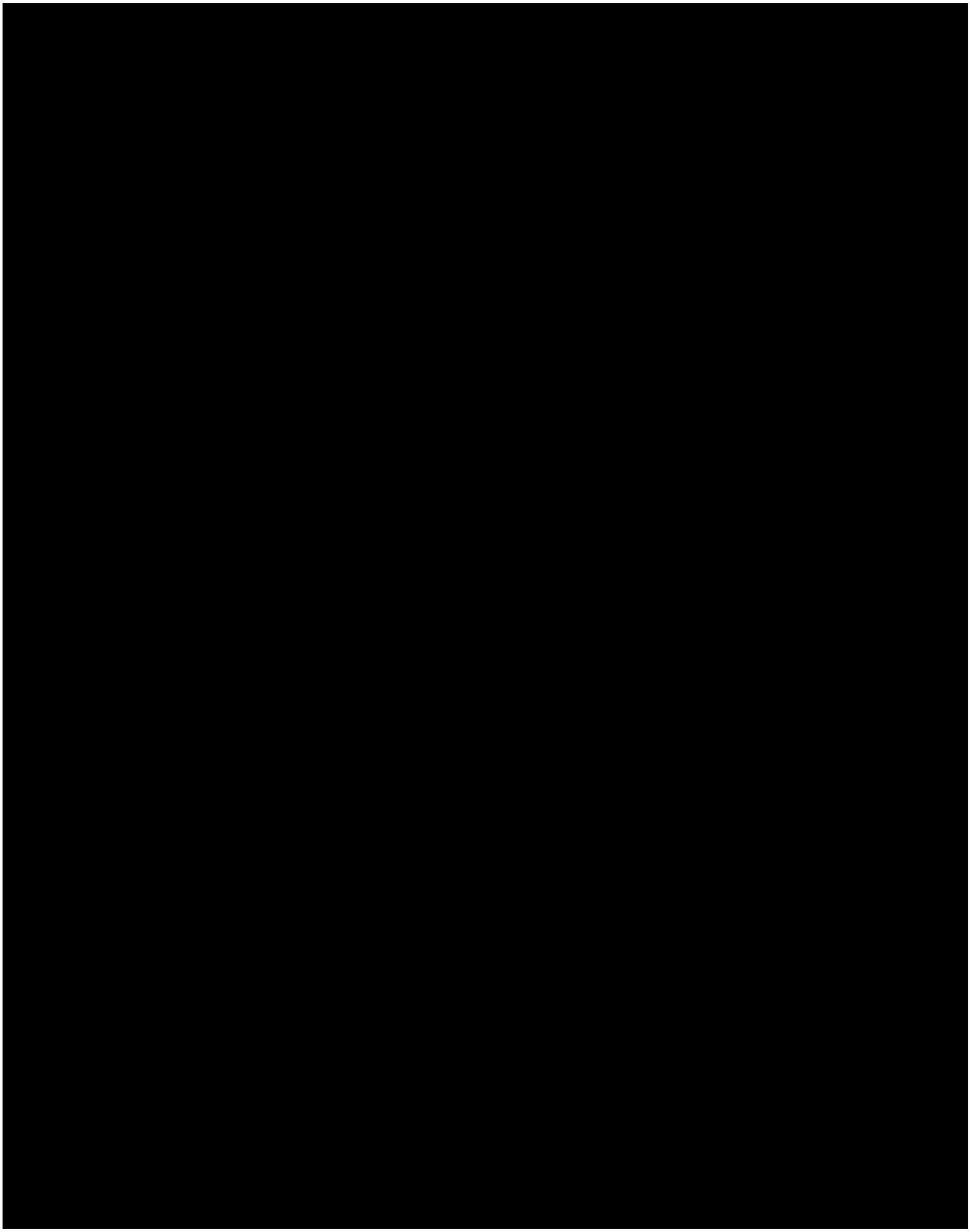

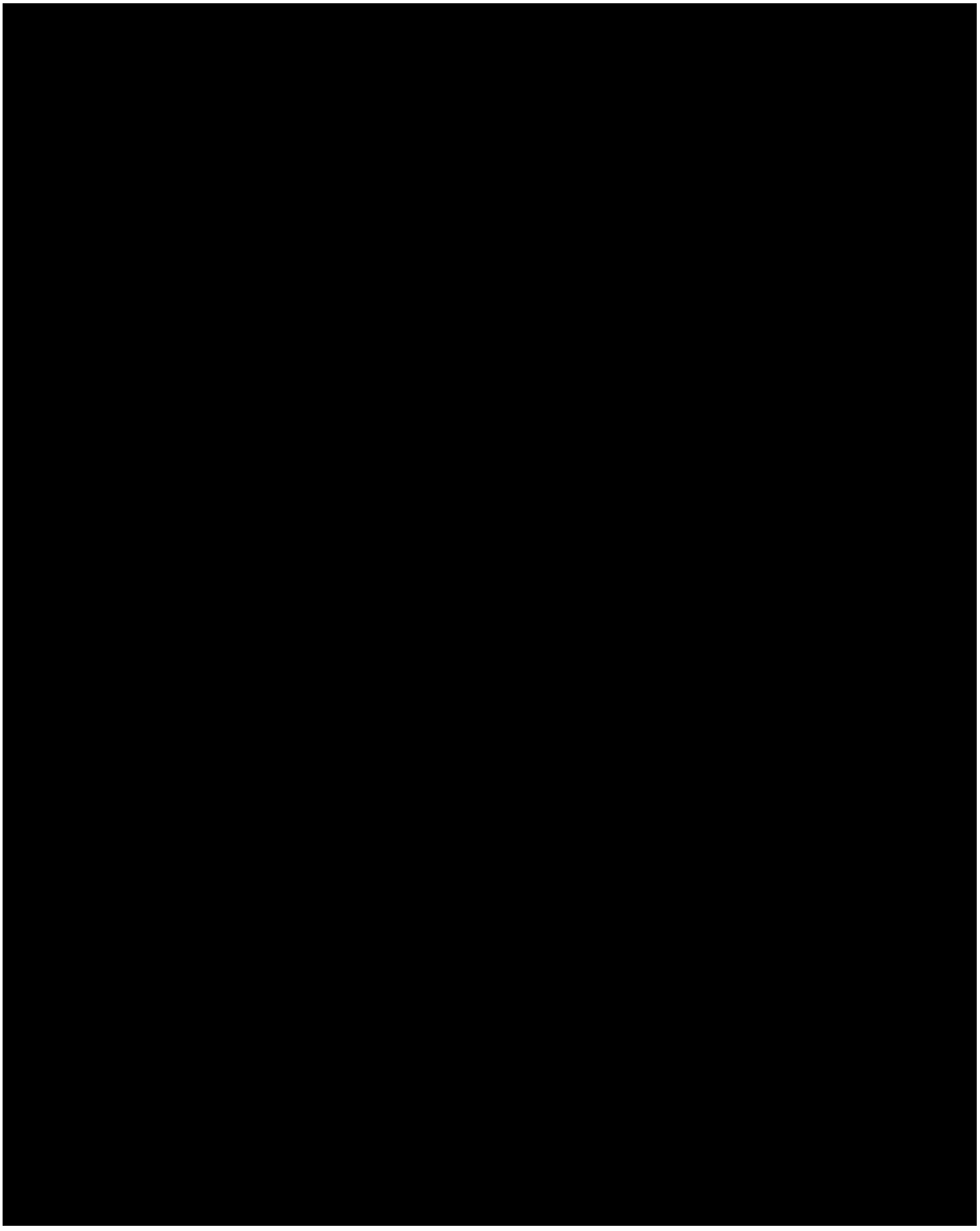

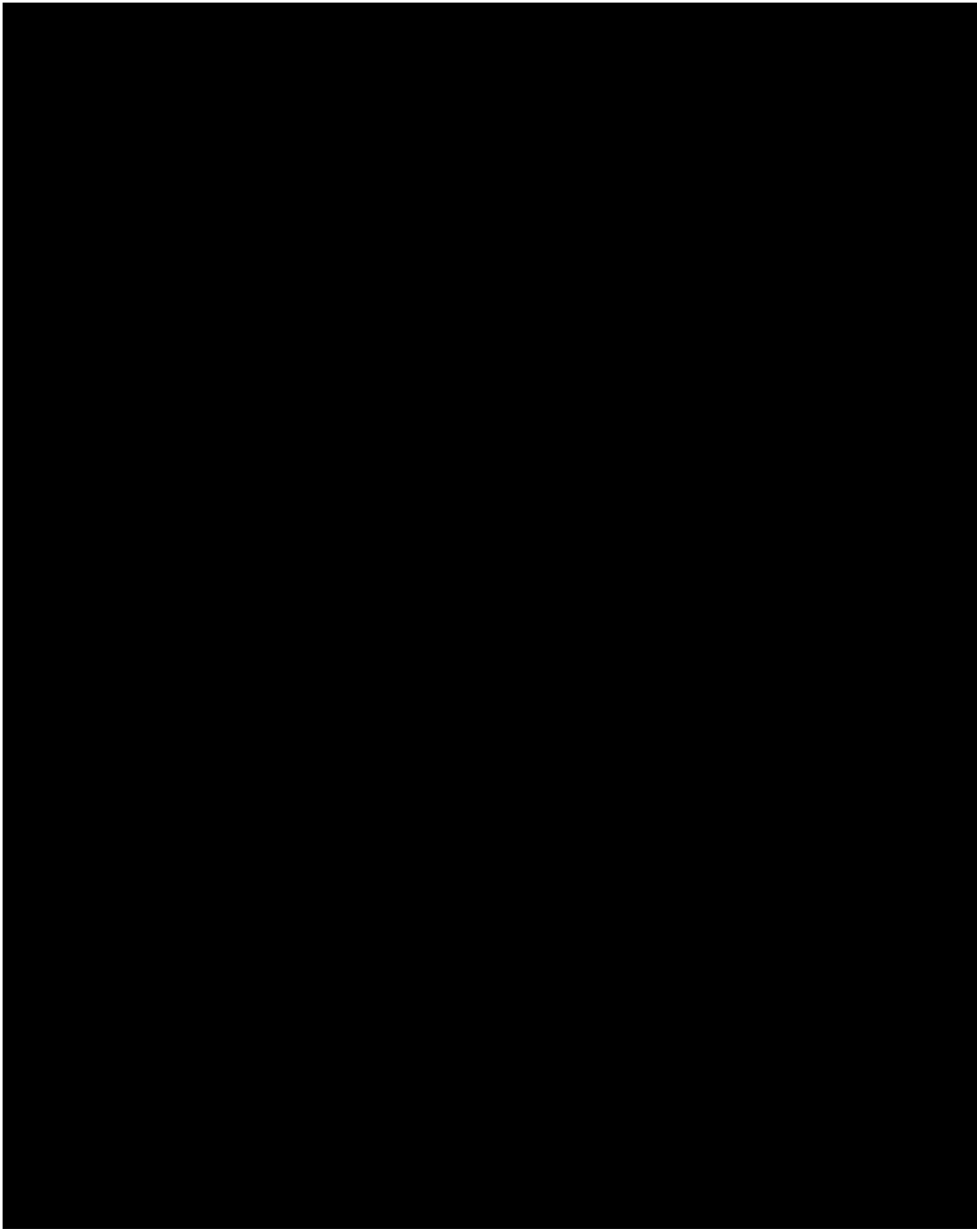

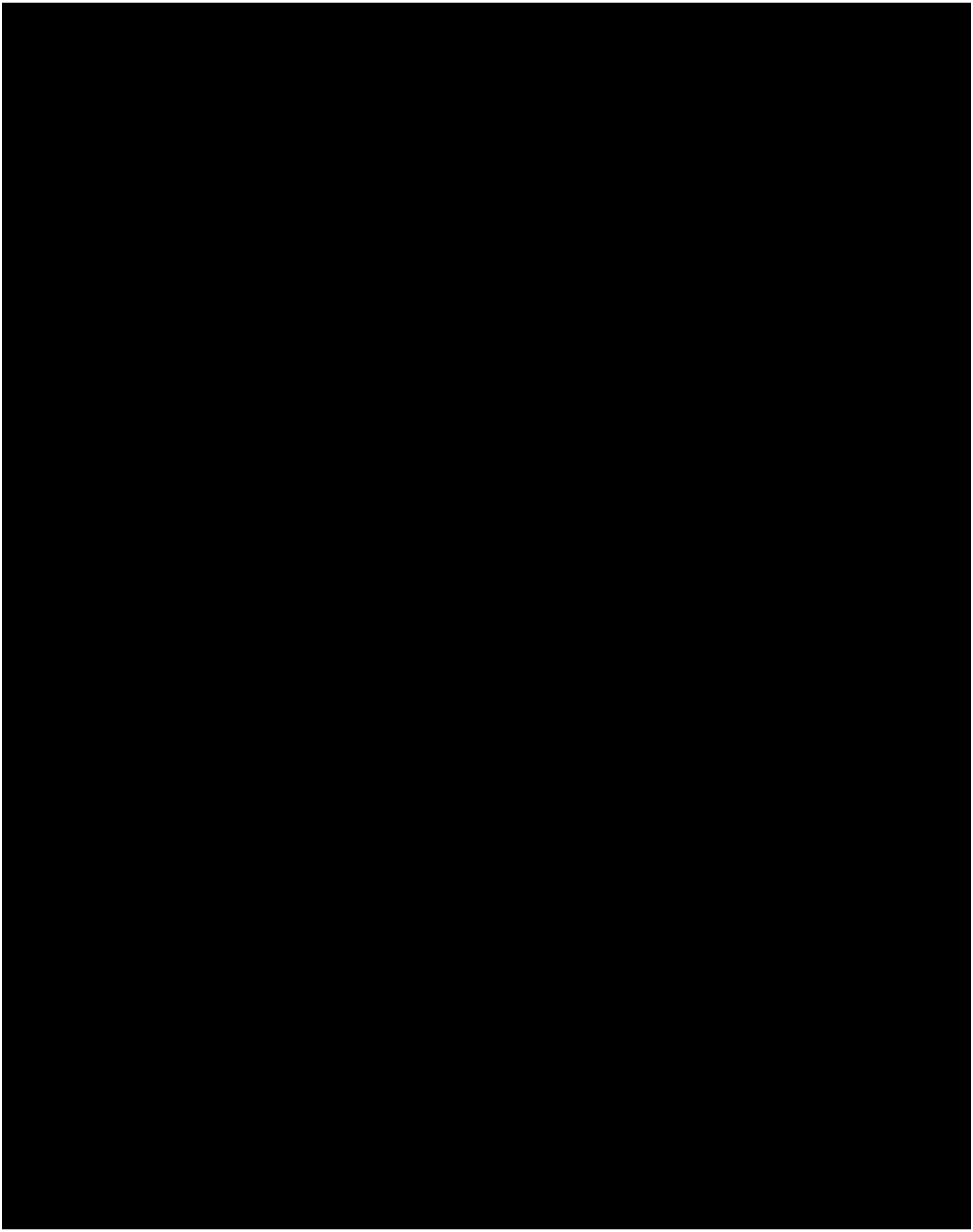

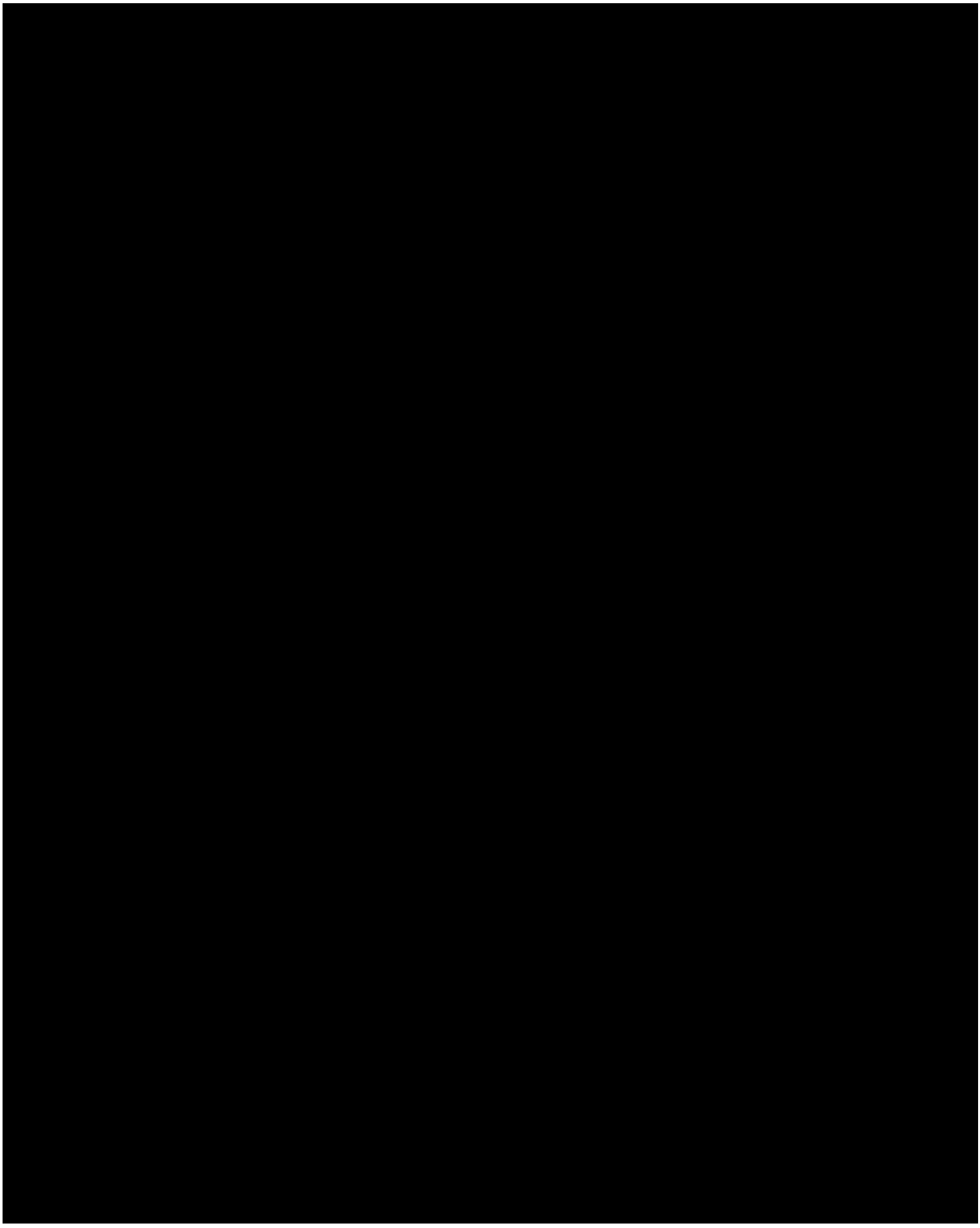

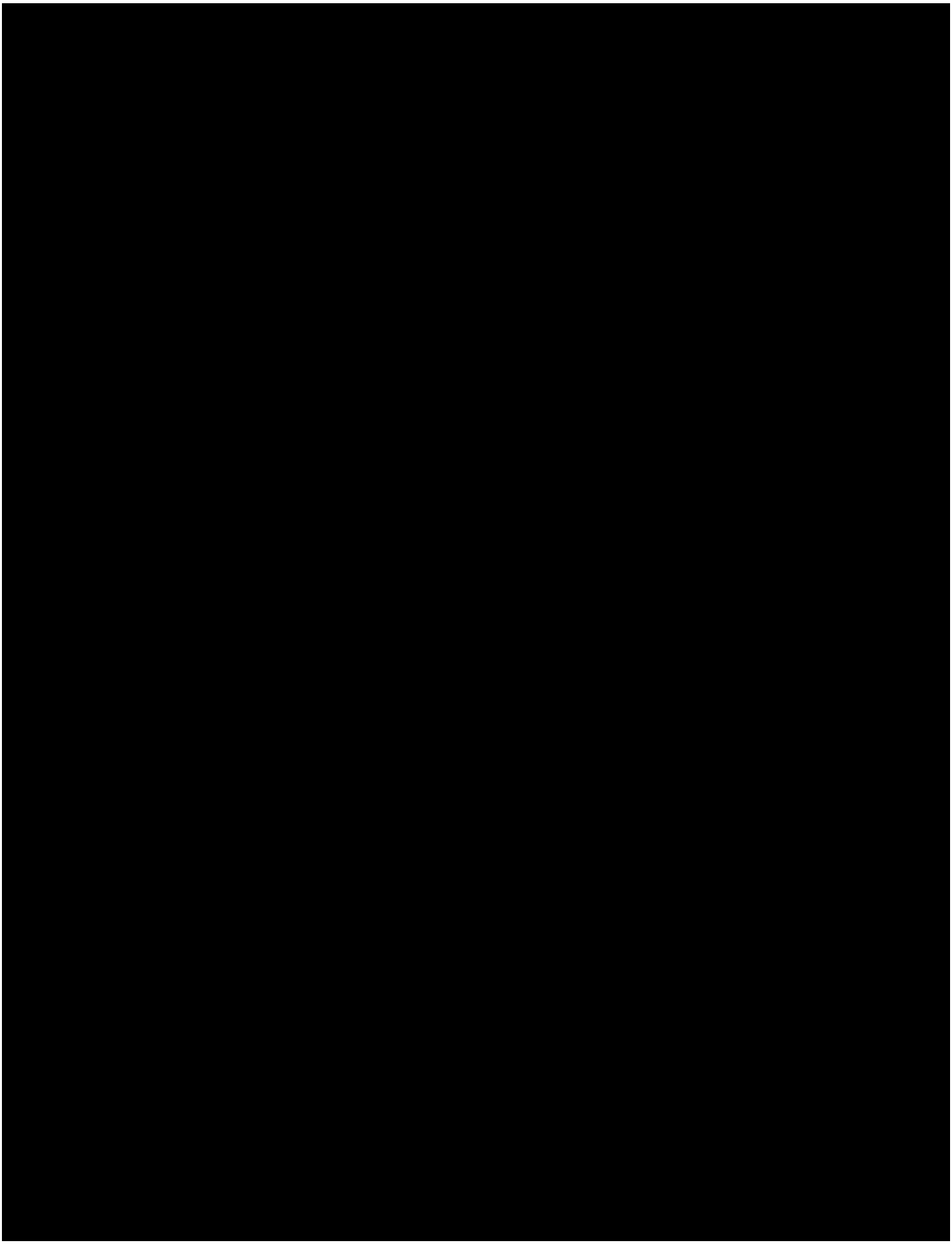

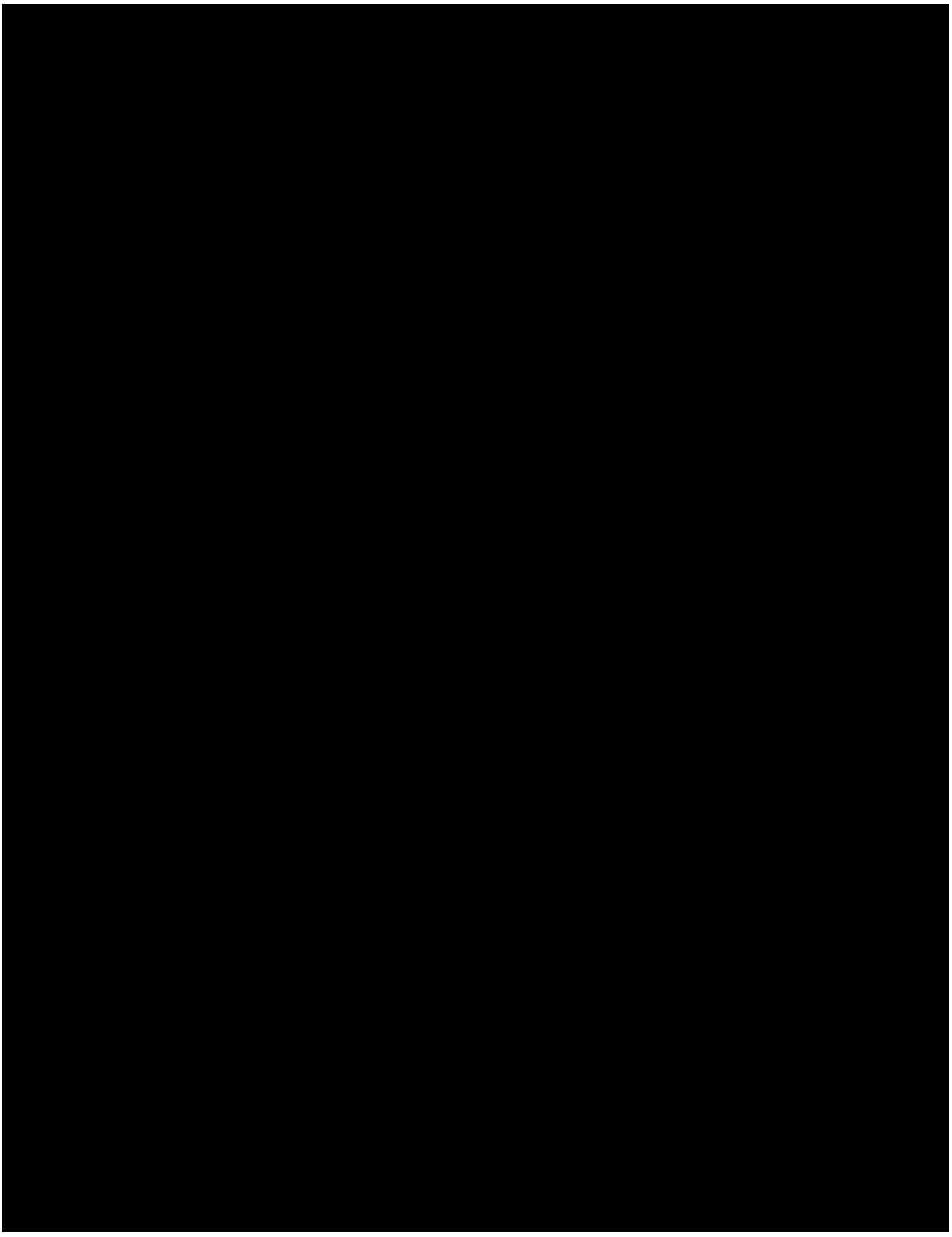

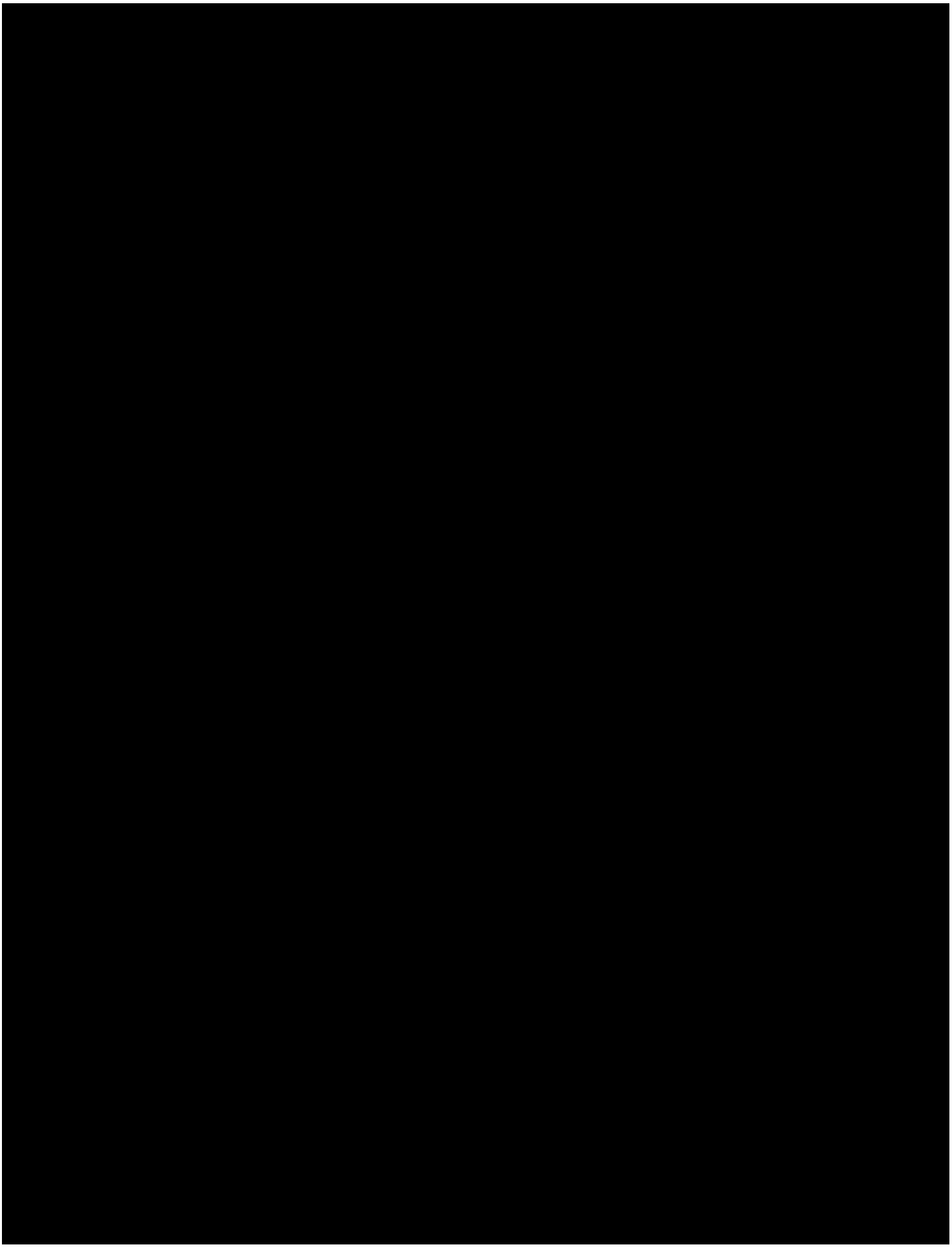

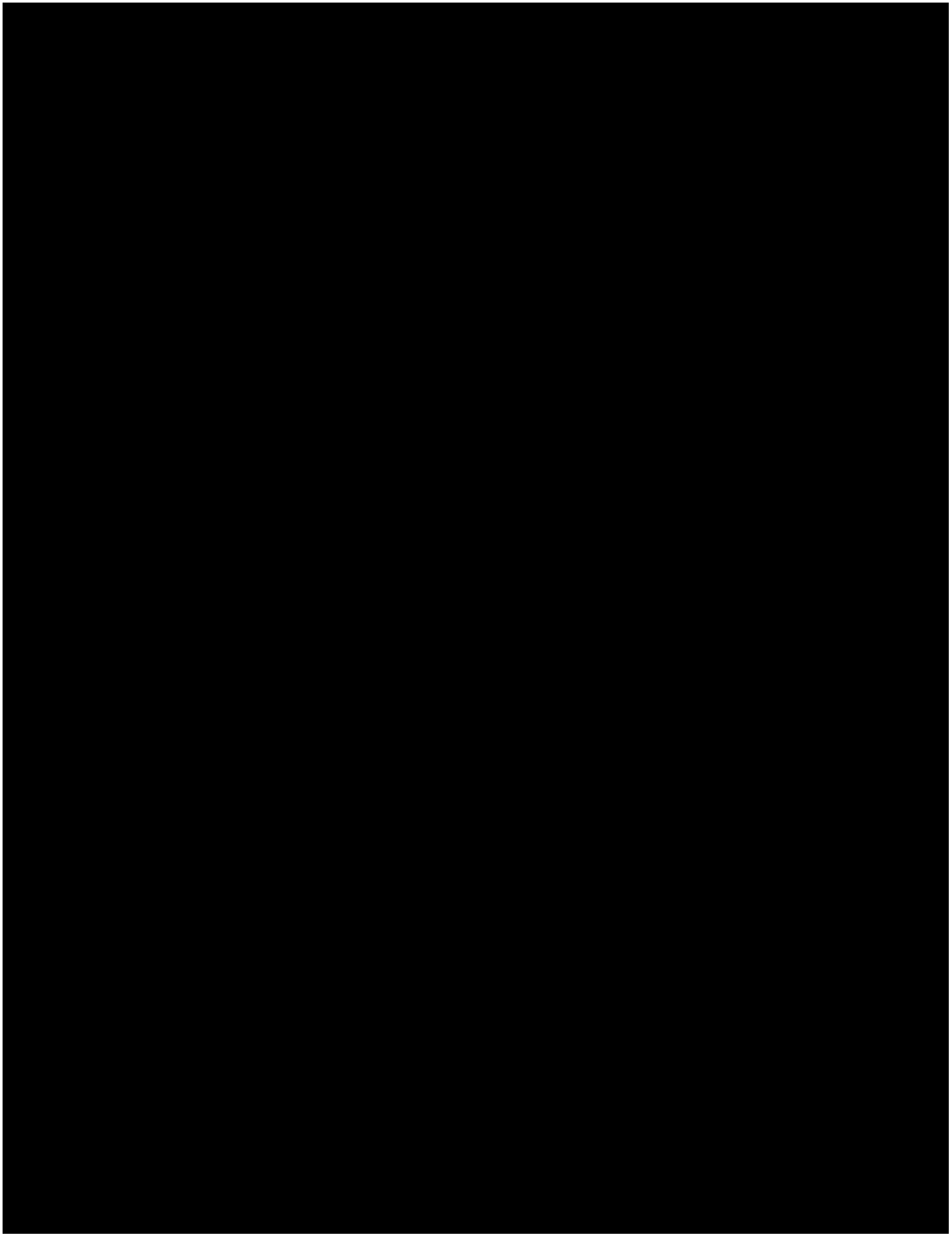

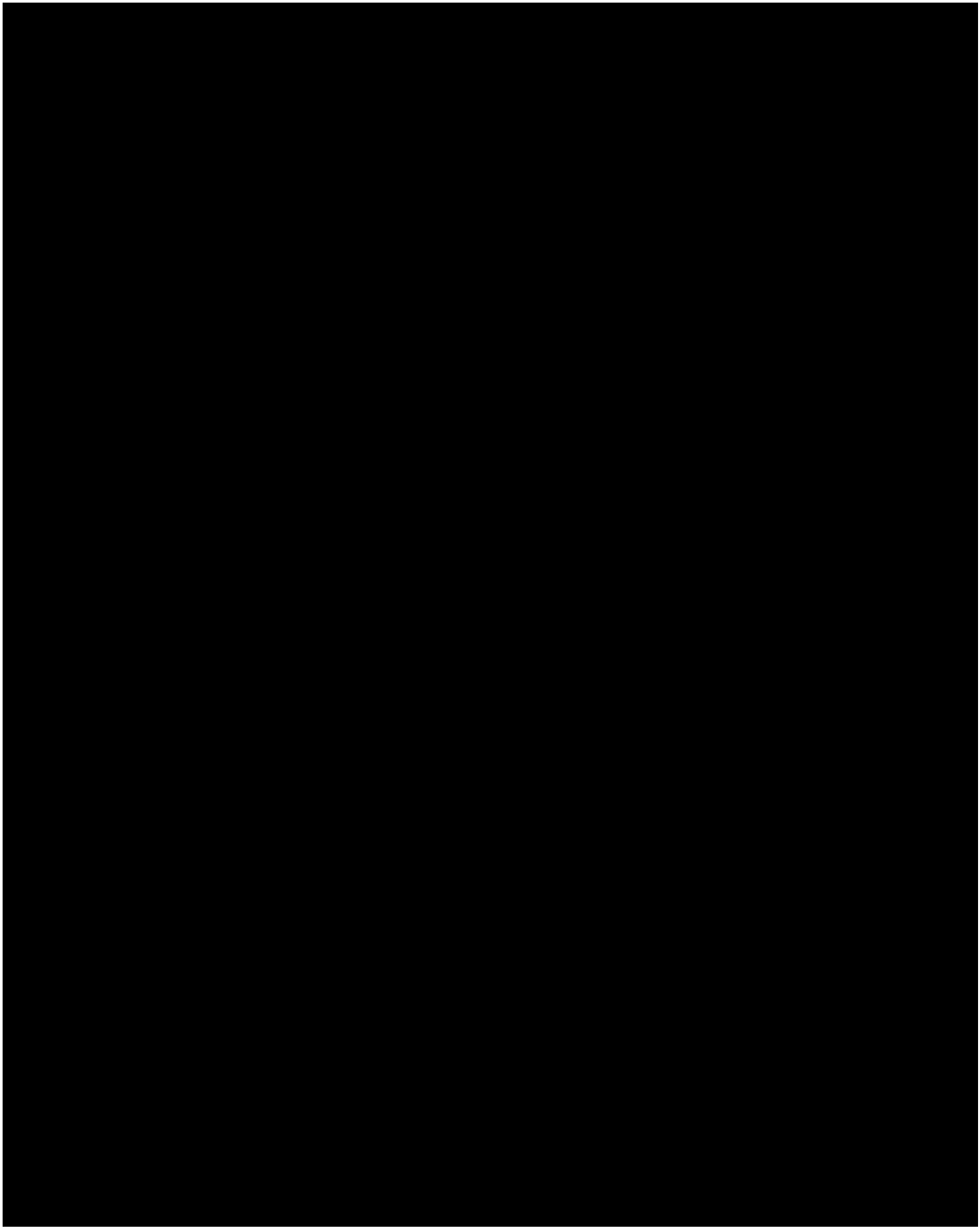

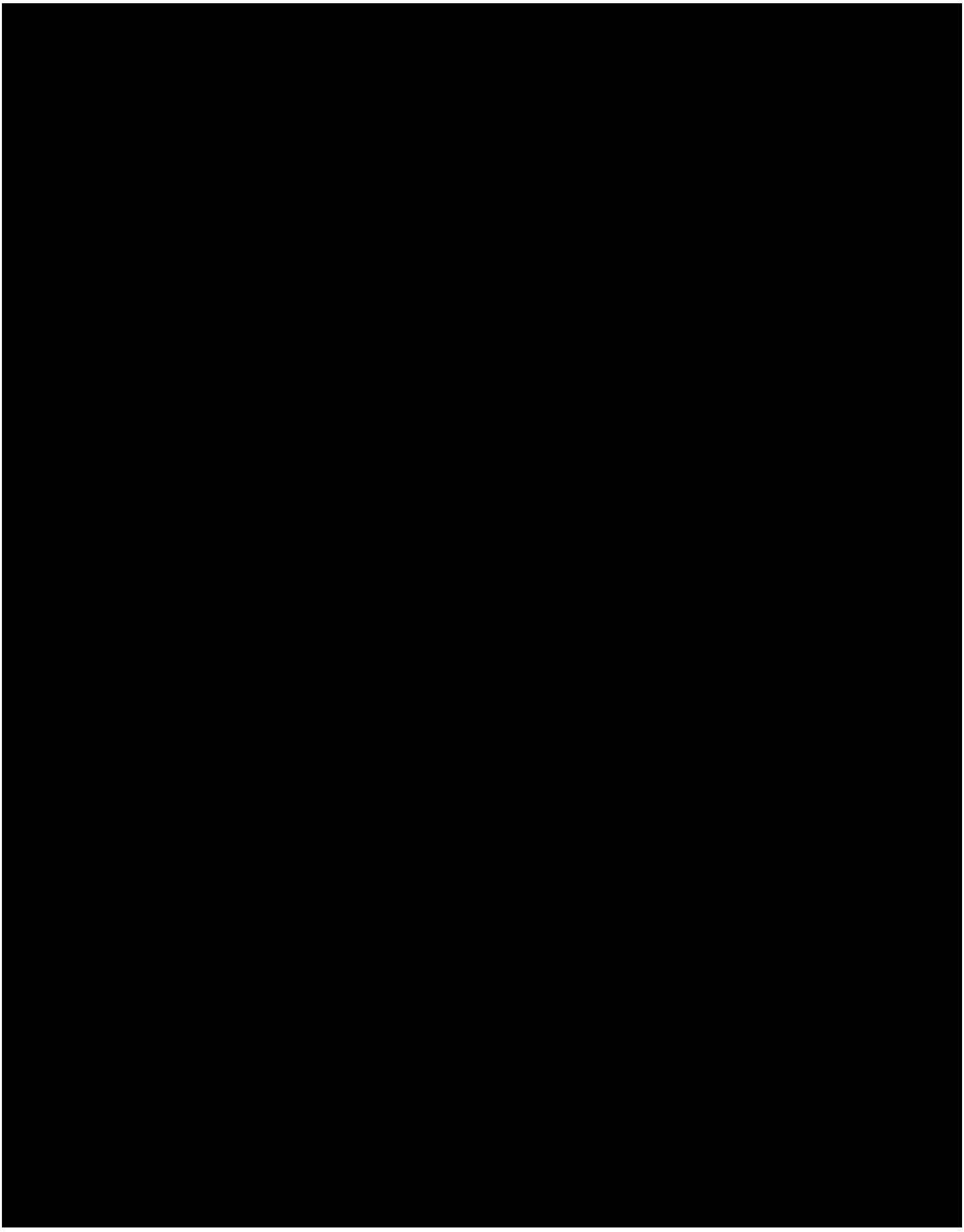

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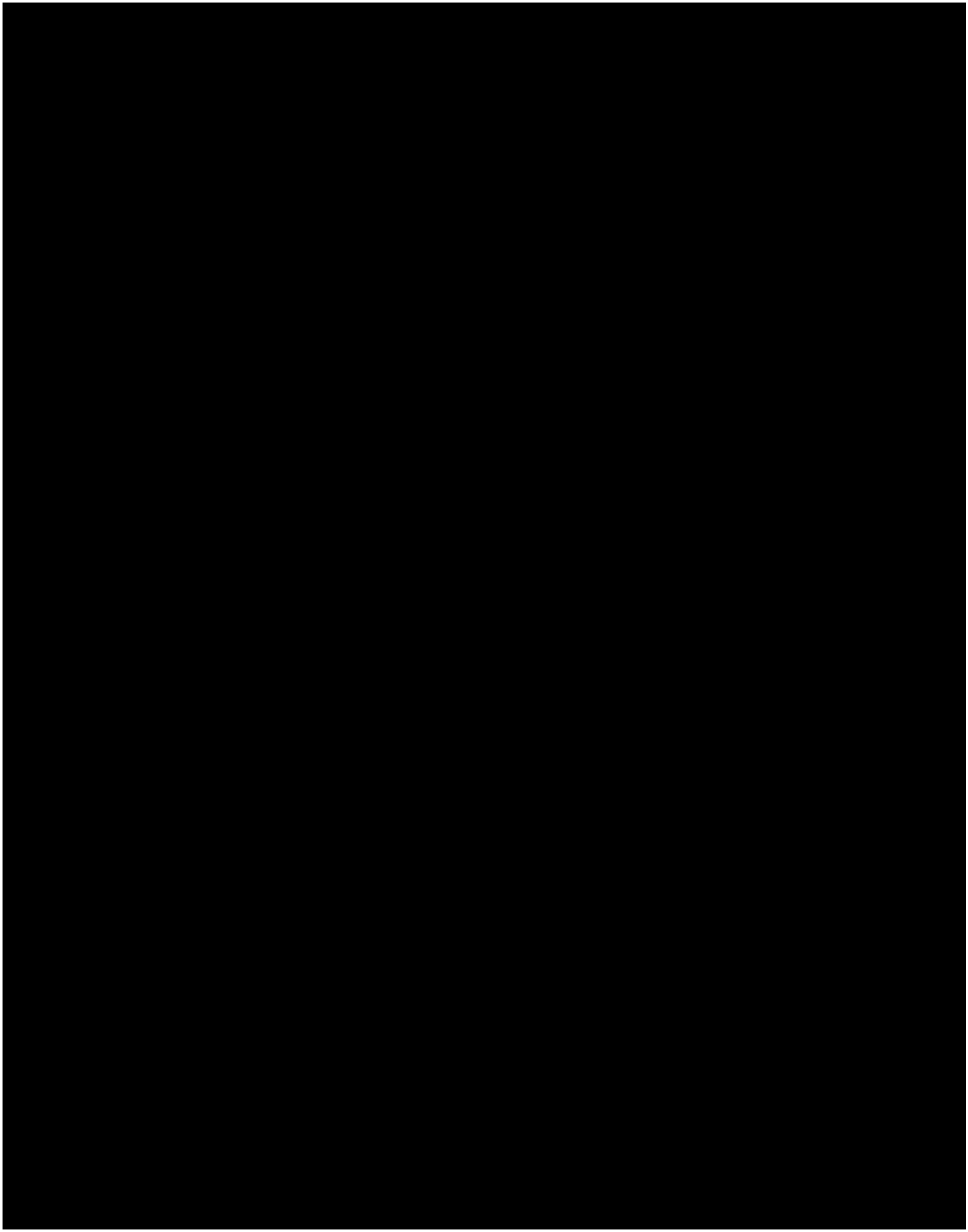

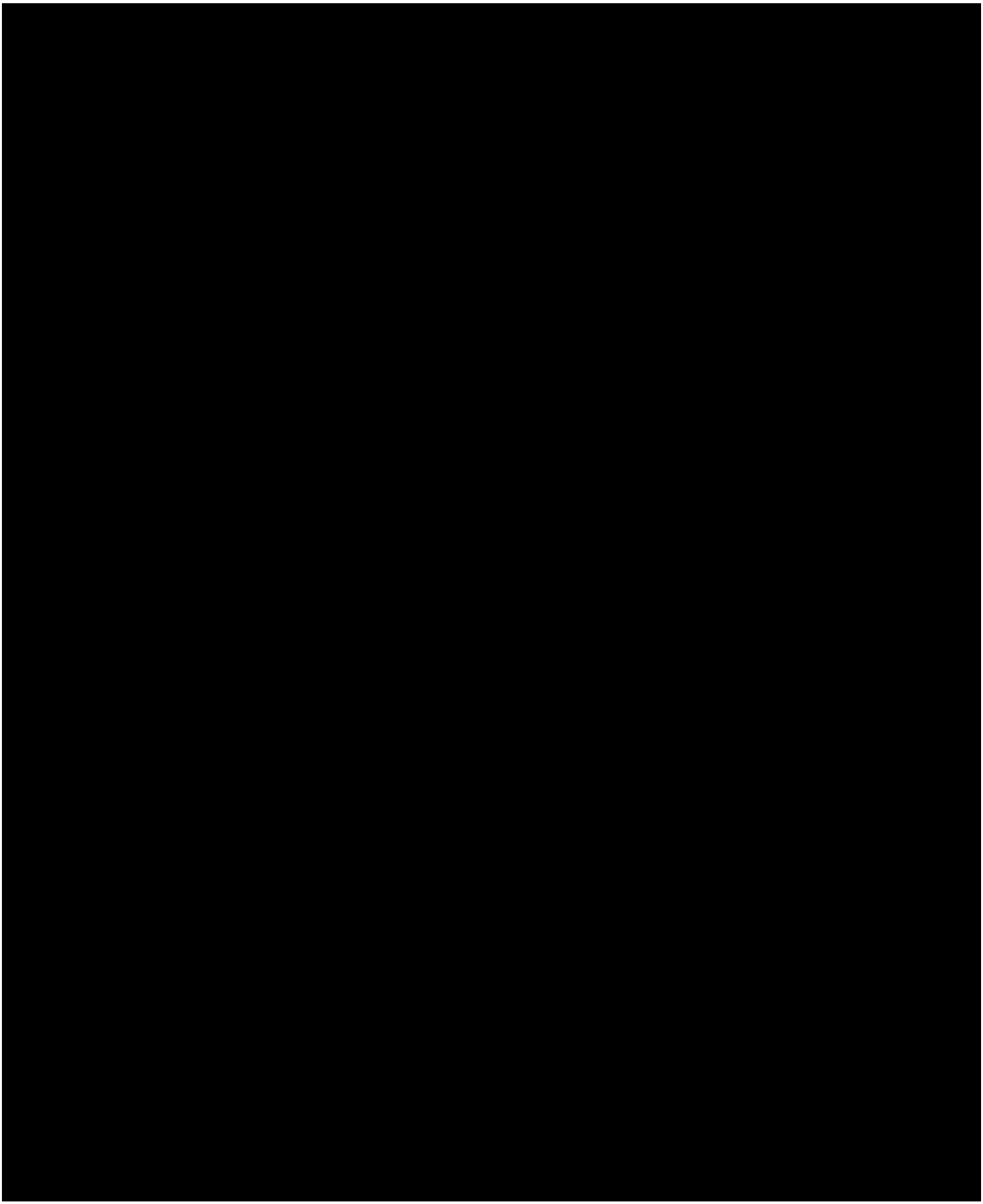



From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:17 AM
To: Christina.Allen@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

Gender Identity

8. Hi Julia, I don't know if this helps, as it... Heather Boyd, RN, BSN
9. Hi Julia, I took a course on here that was... Tracy Chupp, NCSN, RN, BSN
10. Hi Julia, Here are some resources that... Paula Purcell, MEd, BSN, RN, CDDN
11. Hi, this can be tricky, especially in this day... Claire Molner, MEd, NCSN, RN, BS, AASN
12. I teach health with gender inclusive curriculum... Kat Goodell, ADN-RN, ASN
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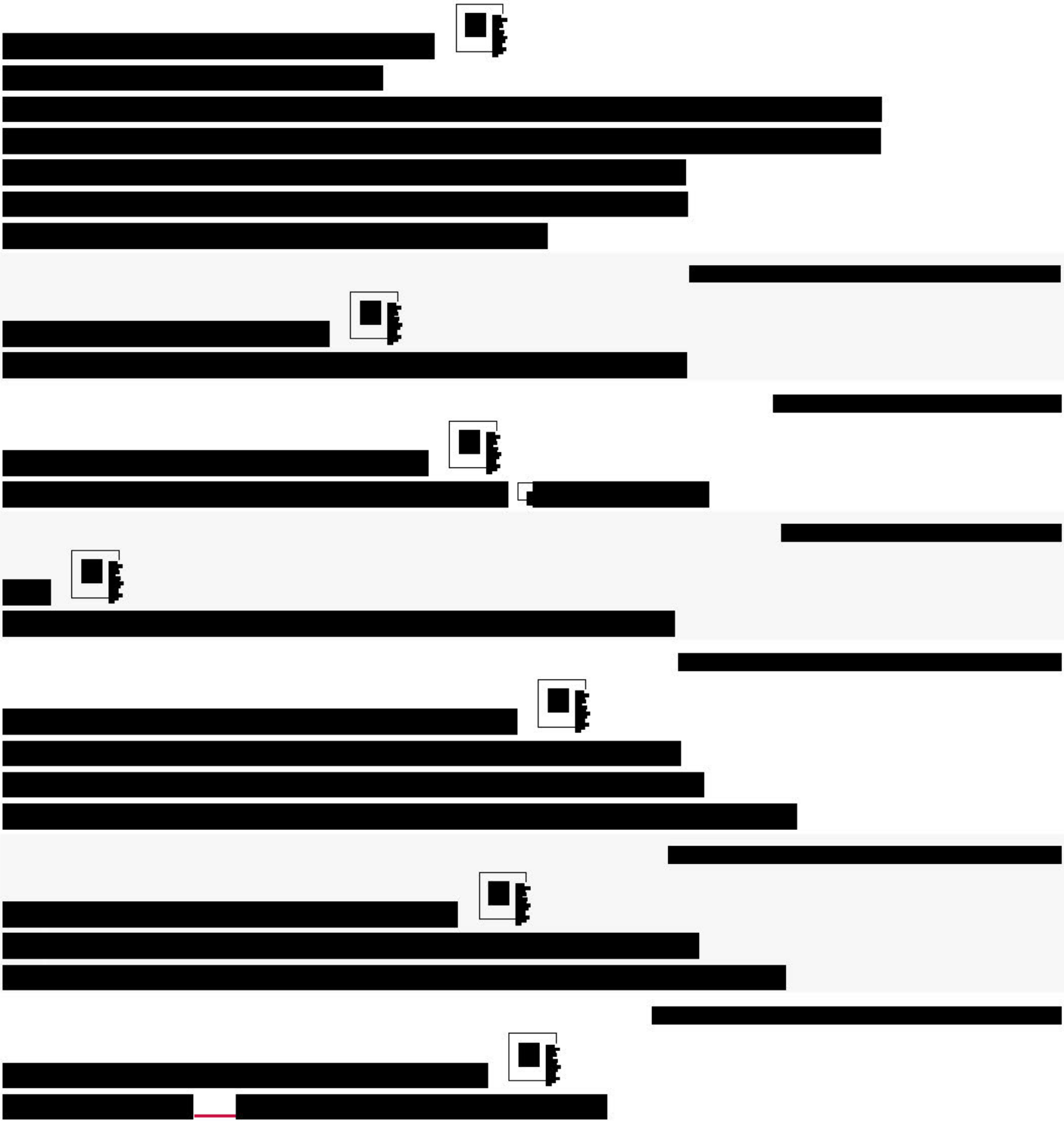
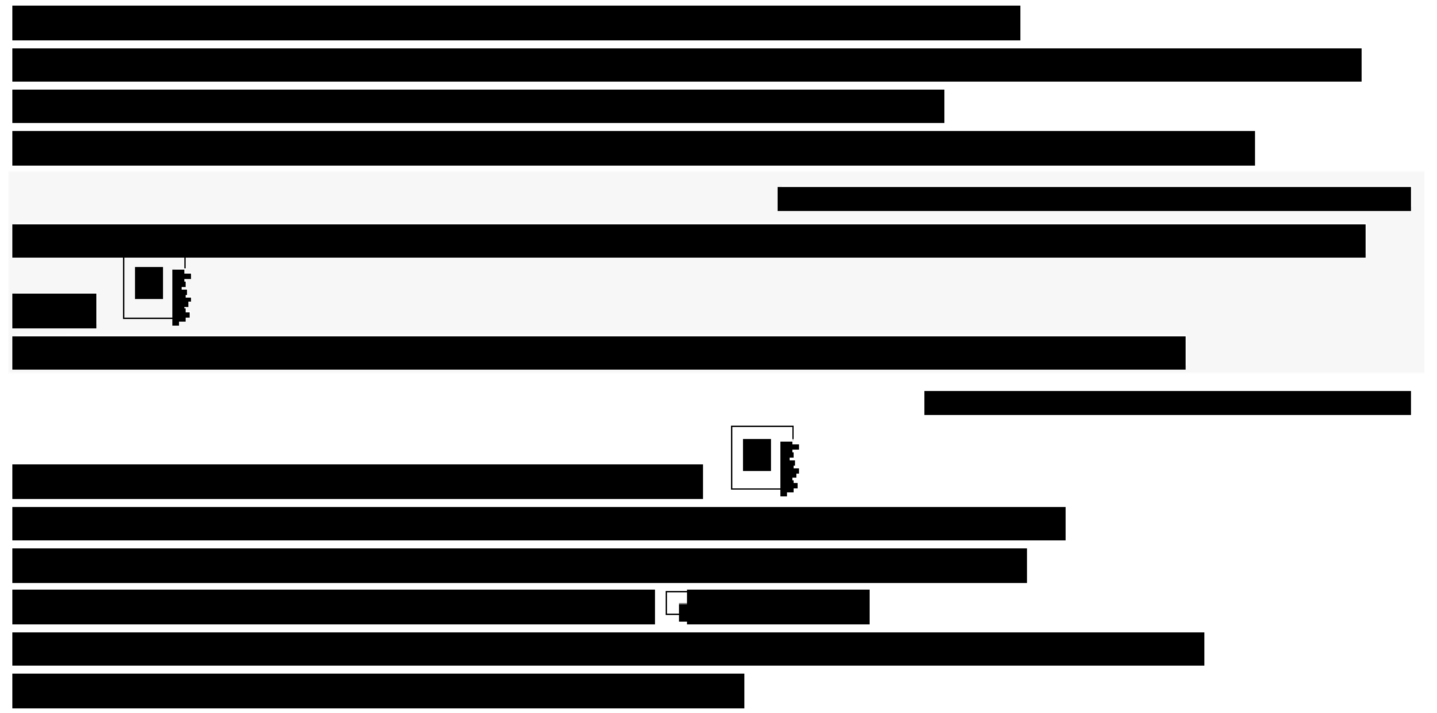
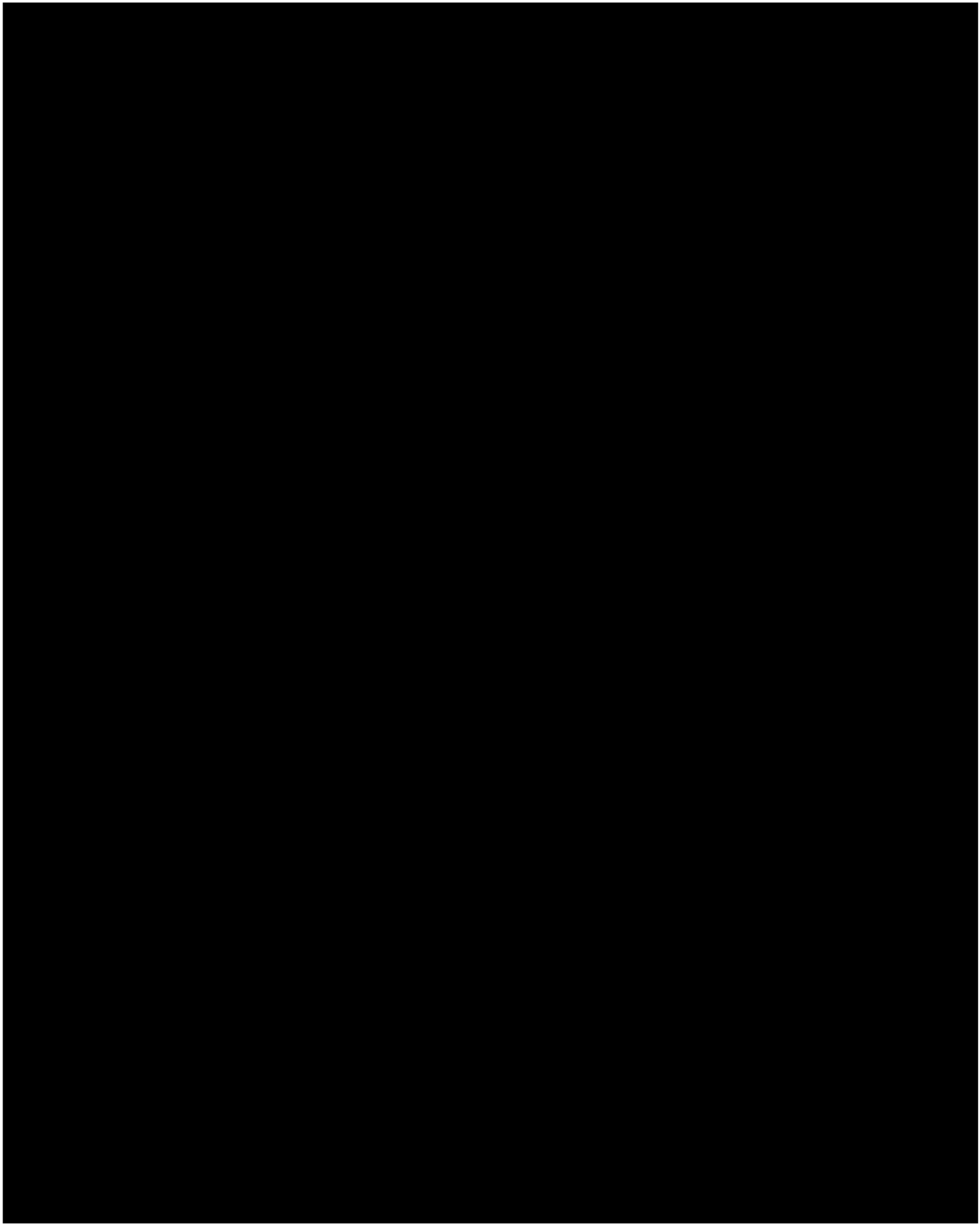
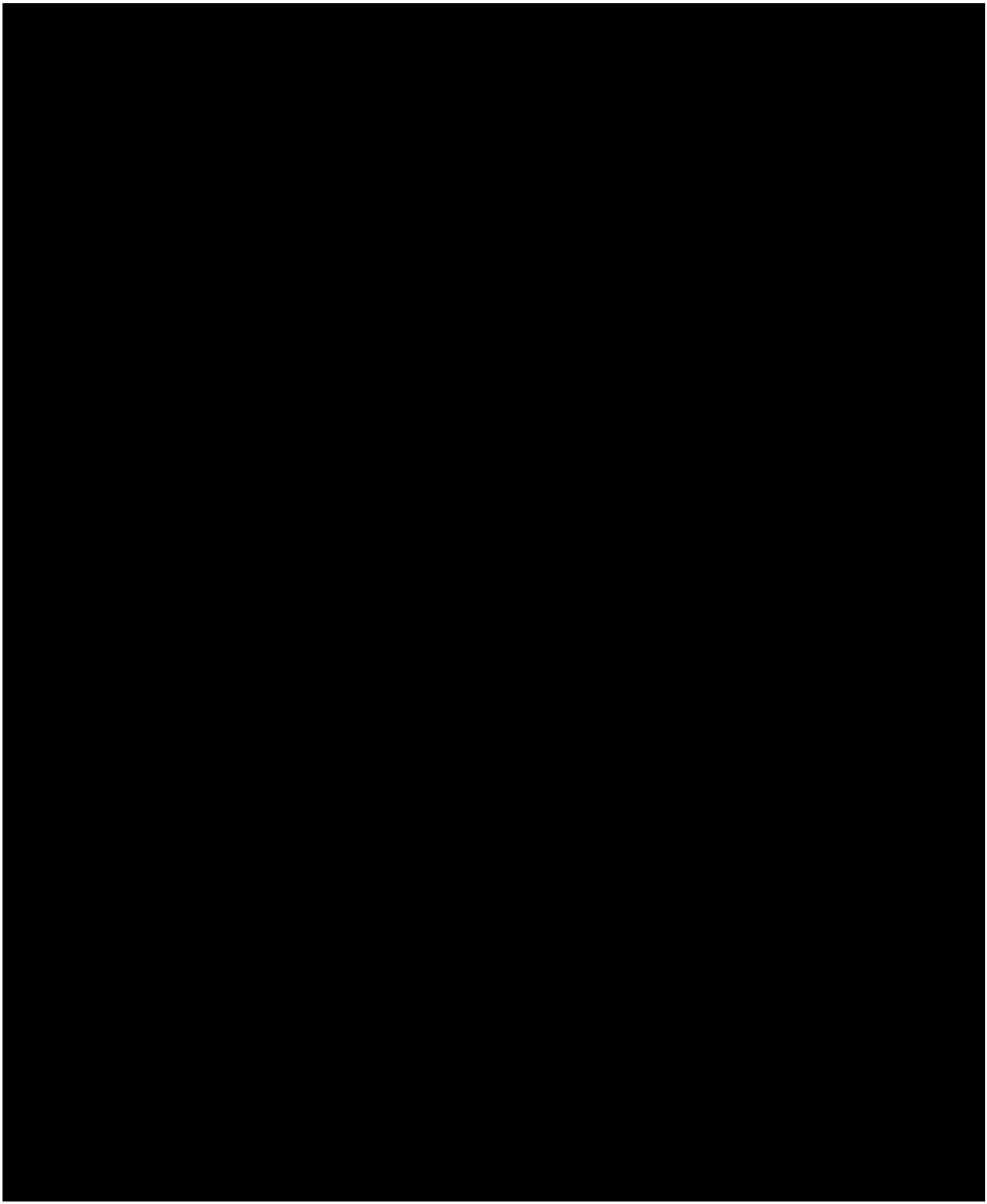
started 3 days ago, Heather DiTrolio, BSN, RN, CVRN-BC (6 replies)

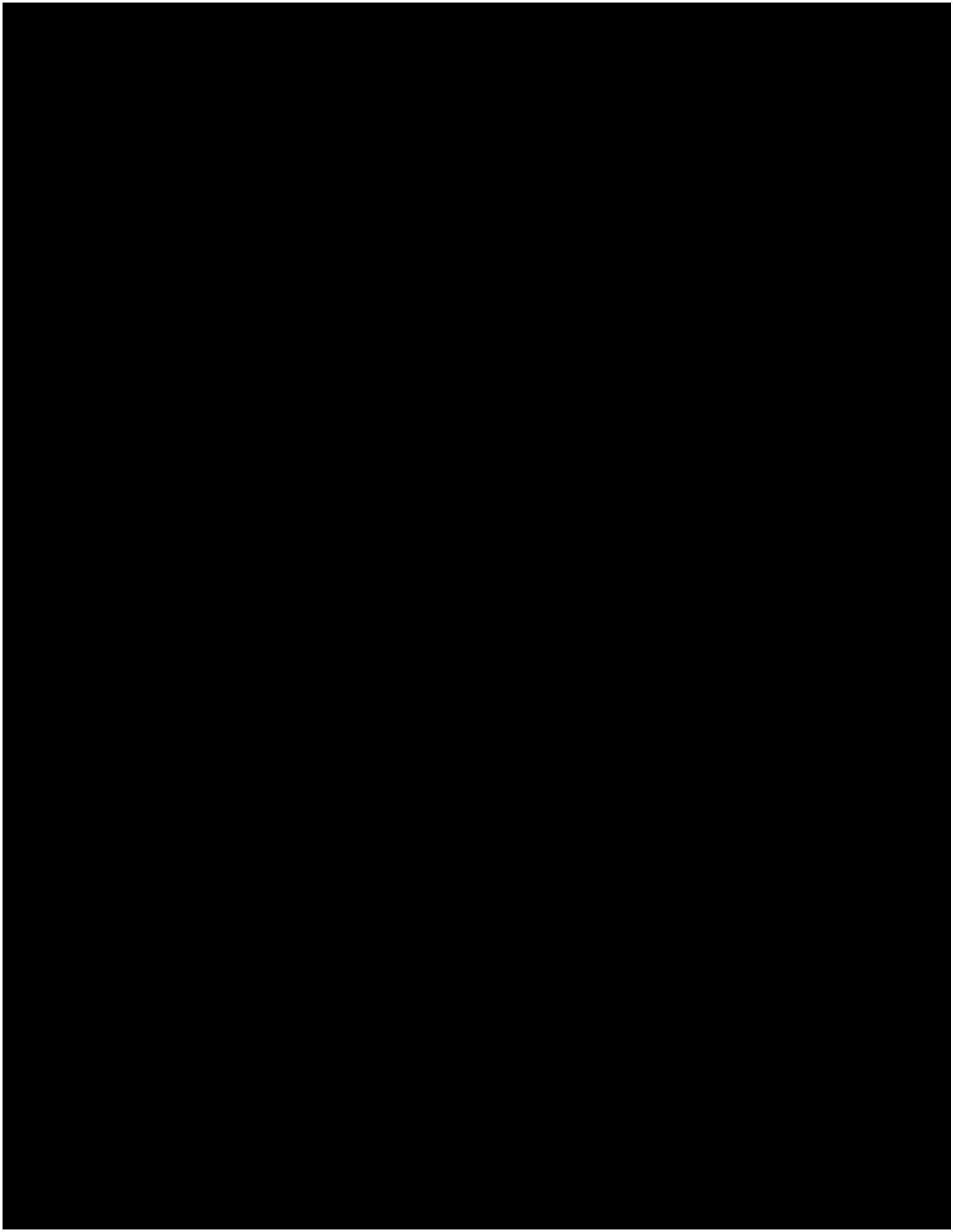


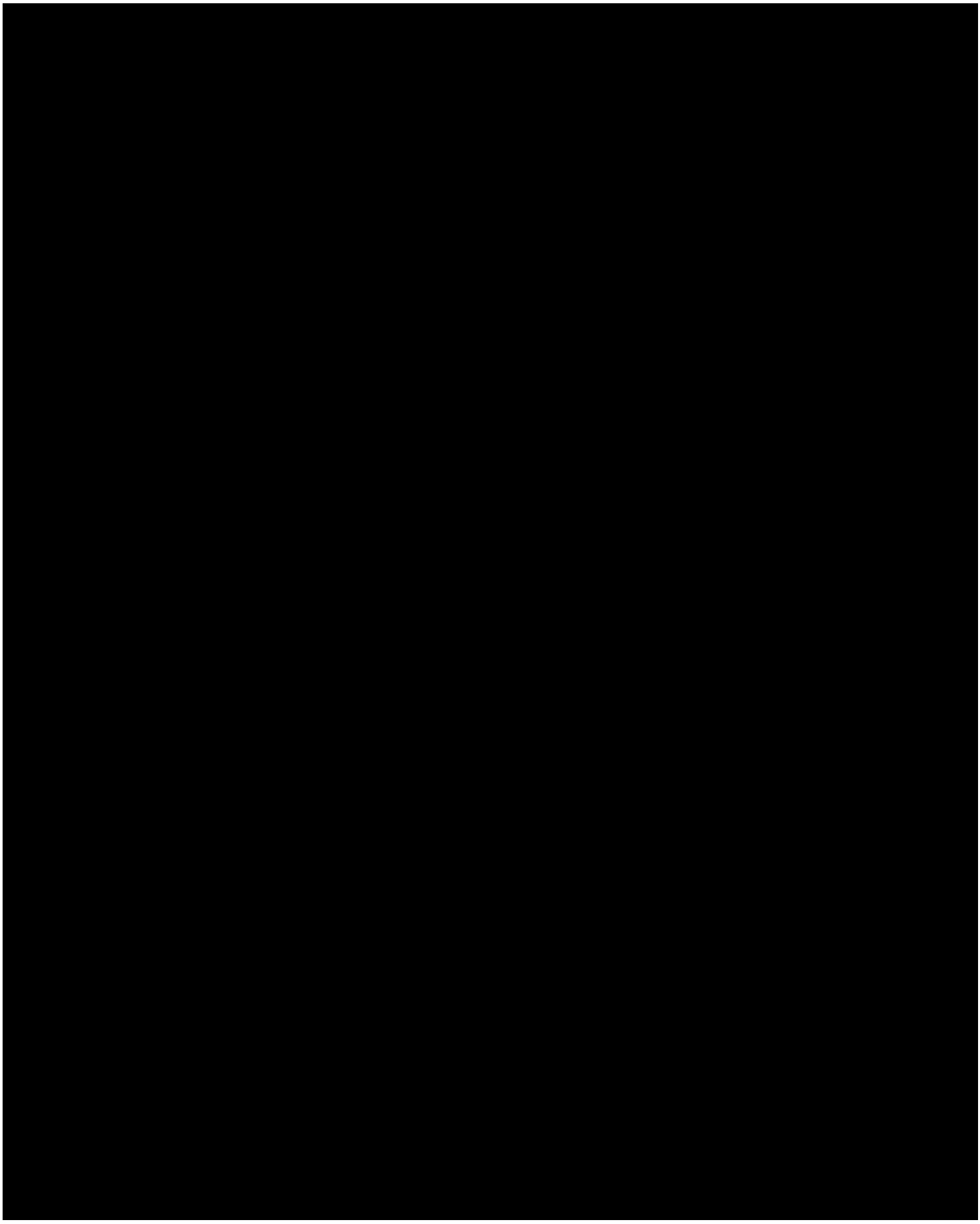












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top previous next

8. Re: Gender Identity

Reply to Group Reply to Sender

[redacted] Mar 13, 2023 8:24 AM
Heather Boyd, RN, BSN

[redacted]

Hi Julia,

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Good luck!

Sincerely,

Heather

Heather Boyd RN, BSN
Lincoln Akerman School
Hampton Falls, NH United States

Reply to Group Online | View Thread | Recommend | Forward

Original Message:
Sent: 03-10-2023 14:44
From: Julia Zaino
Subject: Gender Identity

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Julia Zaino, RN, BSN, NCSN
MA United States
---

9. Re: Gender Identity

Reply to Group | Reply to Sender



Mar 13, 2023 8:43 AM
Tracy Chupp, NCSN, RN, BSN



Hi Julia,

I took a course on here that was super helpful!

learn.nasn.org/courses/47755

Good Luck!

Tracy

Tracy Chupp, RN, BSN, NCSN
Southport High School
Indianapolis, Indiana USA

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Julia Zaino, RN, BSN, NCSN
MA United States
---

top previous next

10. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 9:22 AM
Paula Purcell, MEd, BSN, RN, CDDN

Hi Julia,



Here are some resources that include information about transgender individuals. It's not for the school nurse specifically but are good resources to have nonetheless.

Paula

1.Gender Spectrum's Gender Support Plan:
genderspectrum.org/articles/using-the-gsp

1. PDF of plan linked here

2. Safe Schools Program for LGBTQ Students website, including links to request free training/technical assistance:
www.mass.gov/info-details/...

4. Family Equality's Book Nook, a comprehensive list of the best LGBTQ+ books for the whole family, you may find something here:Family Equality's "Book Nook"

5. Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment:
www.doe.mass.edu/sfs/lgbtq/genderidentity.html

6. Massachusetts Transgender Political Coalition
www.masstpc.org/mission-values

Paula Purcell M.Ed, BSN, RN, CDDN
School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

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Julia Zaino, RN, BSN, NCSN
MA United States
---

top previous next

11. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 12:46 PM
Claire Molner, MEd, NCSN, RN, BS, AASN



Hi, this can be tricky, especially in this day and age, and depending on where you live. Look at Rights, Respect, Responsibility curriculum (www.3rs.org/), which is a FREE K-12 sexuality education curriculum. It is HECAT standard, and meets the national sexuality education standards. Having said that, I very much cherry picked this curriculum, and largely used it for my own knowledge base. There are some amazing activities to do with kids, and is always gender inclusive. If you are looking for a way to create a gender inclusive classroom/office, or for activities that explain issues to kids this is excellent, but could be super controversial. Good luck. c

---
[Claire [Molner] [RN NCSN]

Reply to Group Online View Thread Recommend Forward

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Julia Zaino, RN, BSN, NCSN
MA United States
---

12. Re: Gender Identity



Mar 13, 2023 1:07 PM
Kat Goodell, ADN-RN, ASN



I teach health with gender inclusive curriculum from the 3 R's and Advocates for Youth. They also have curriculum on teacher gender terminology as well as many others. A good site for videos related to this topic, which my 5th and 6th grade groups love, is amaze.org You can also reach out to your local LGBTQ advocacy group for training.

Hope this gets you started in the right direction!

www.3rs.org/download-3rs

https://amaze.org/

Kat Goodell ADN-RN, ASN
Westminster Schools
Westminster, VT United States

Reply to Group Online View Thread Recommend Forward

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Julia Zaino, RN, BSN, NCSN
MA United States
---

top previous next

13. Re: Gender Identity

Reply to Group Reply to Sender



Mar 13, 2023 1:45 PM
Suzanne Seldess, MA-Ed

Hi there,



I found it really helpful to request our district's sex ed curriculum. I was given binders for our 6th grade, 8th grade, and high school level with the course information. It helped me understand what's being taught so I can use similar language when students come in to ask questions, etc.

Suzanne Seldess MA-Ed
San Diego, CA United States

Reply to Group Online View Thread Recommend Forward

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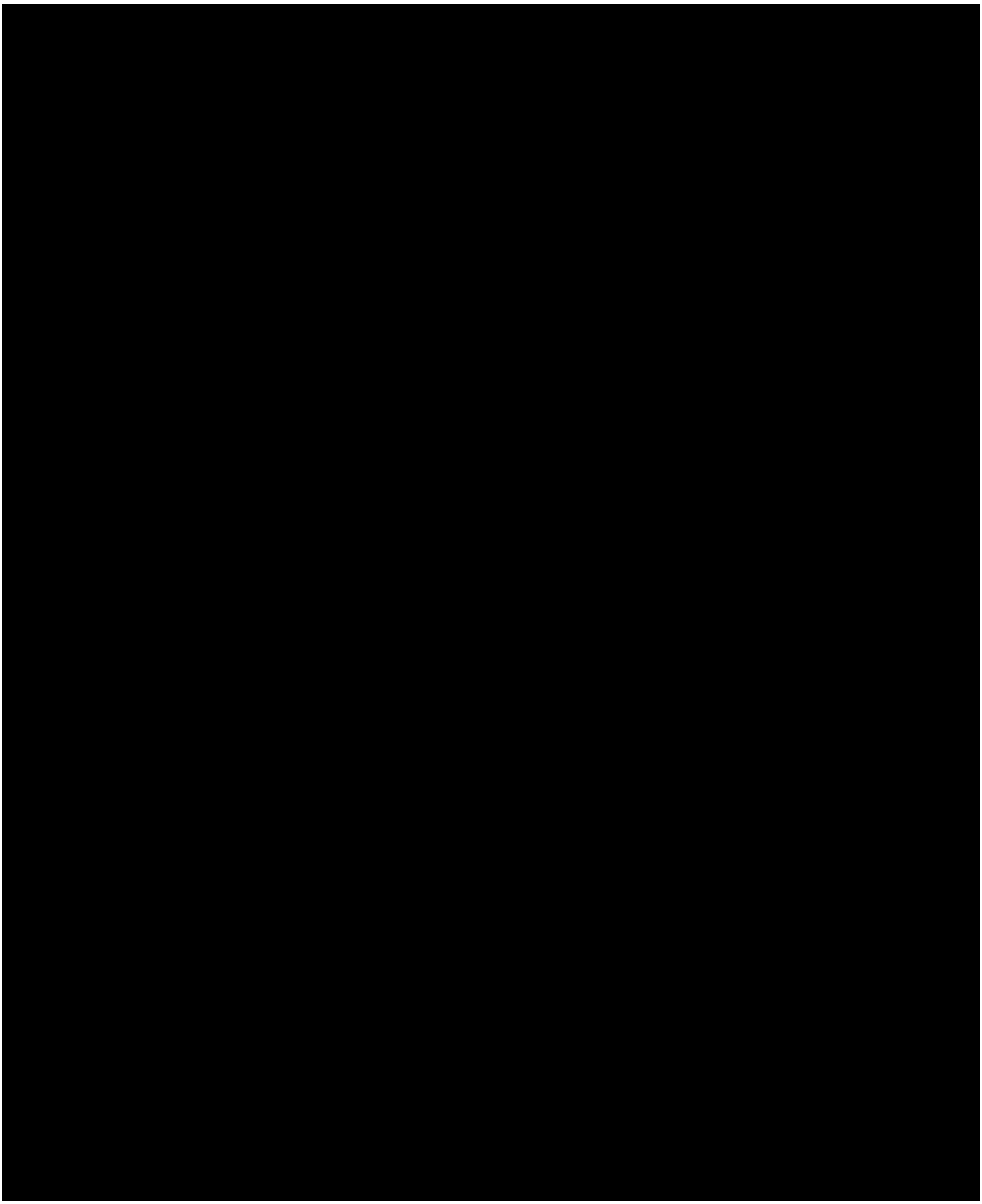
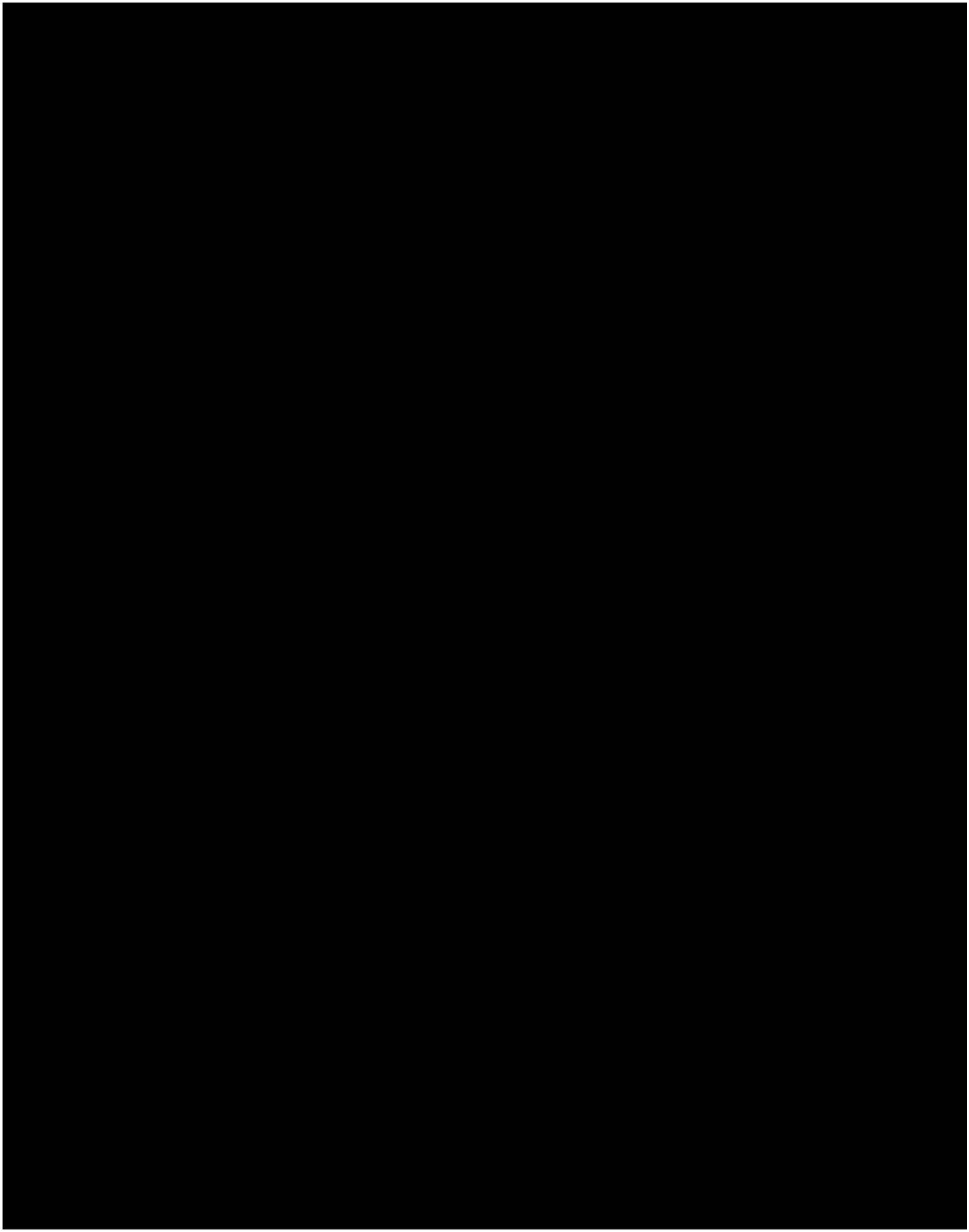
Julia Zaino, RN, BSN, NCSN
MA United States















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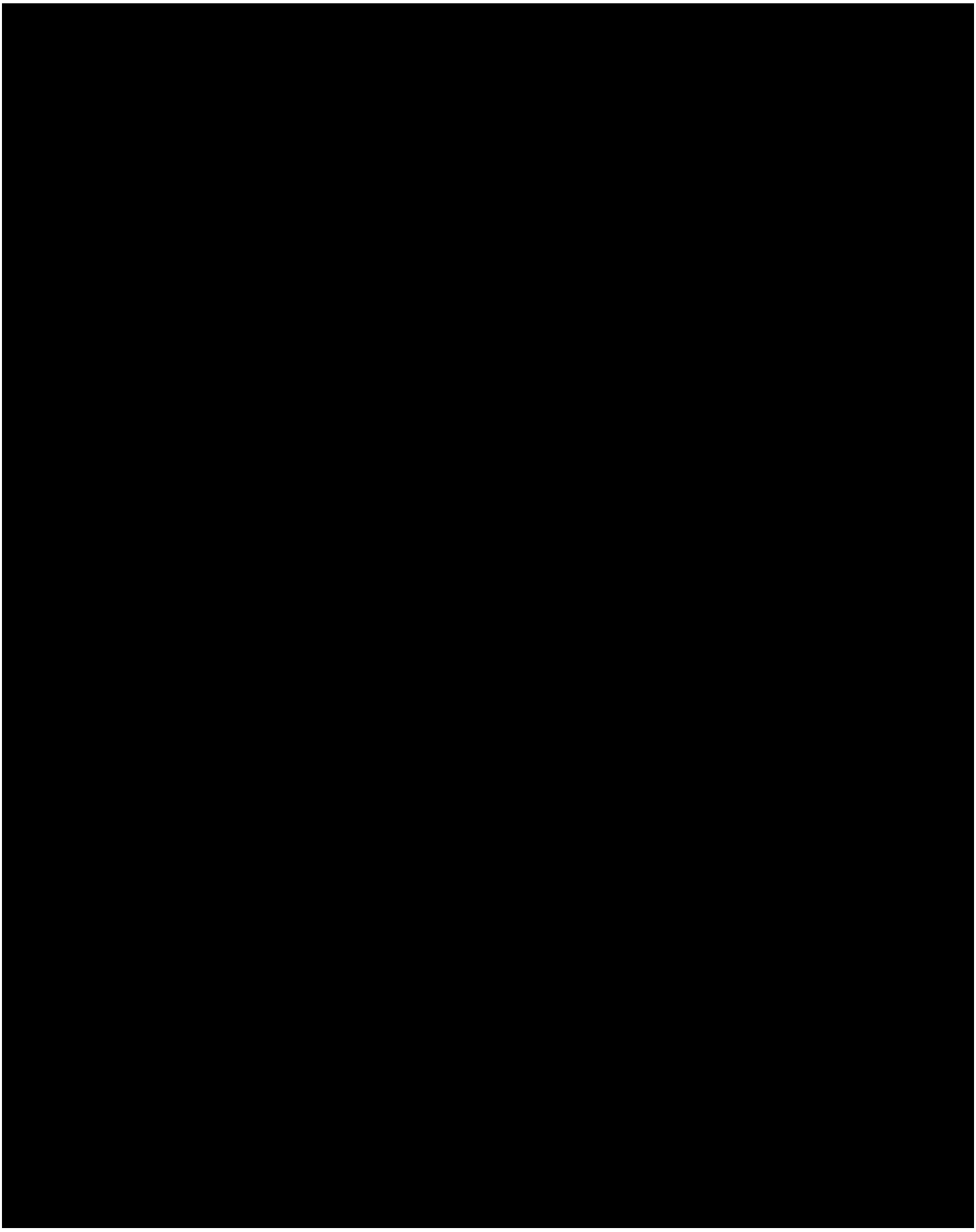

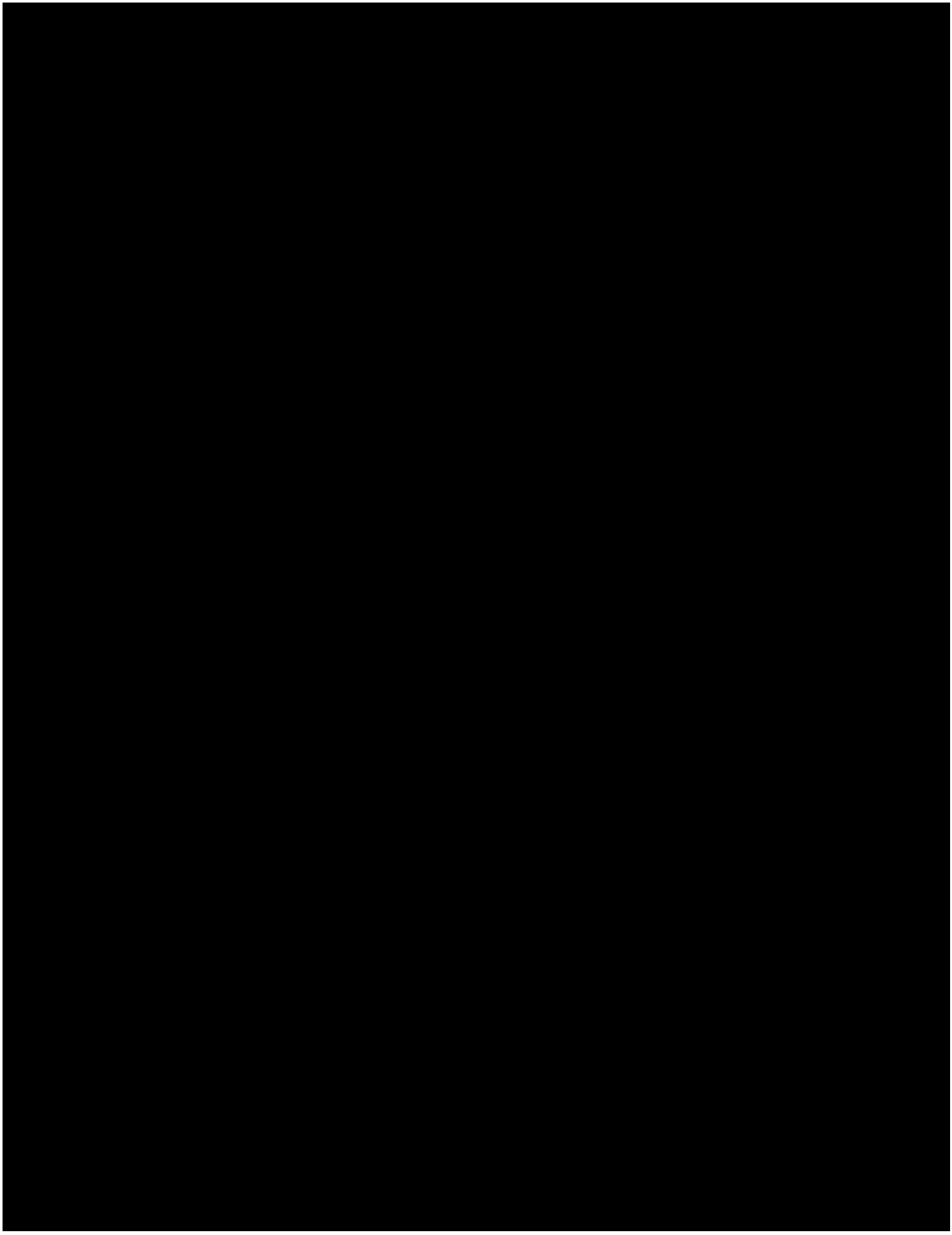

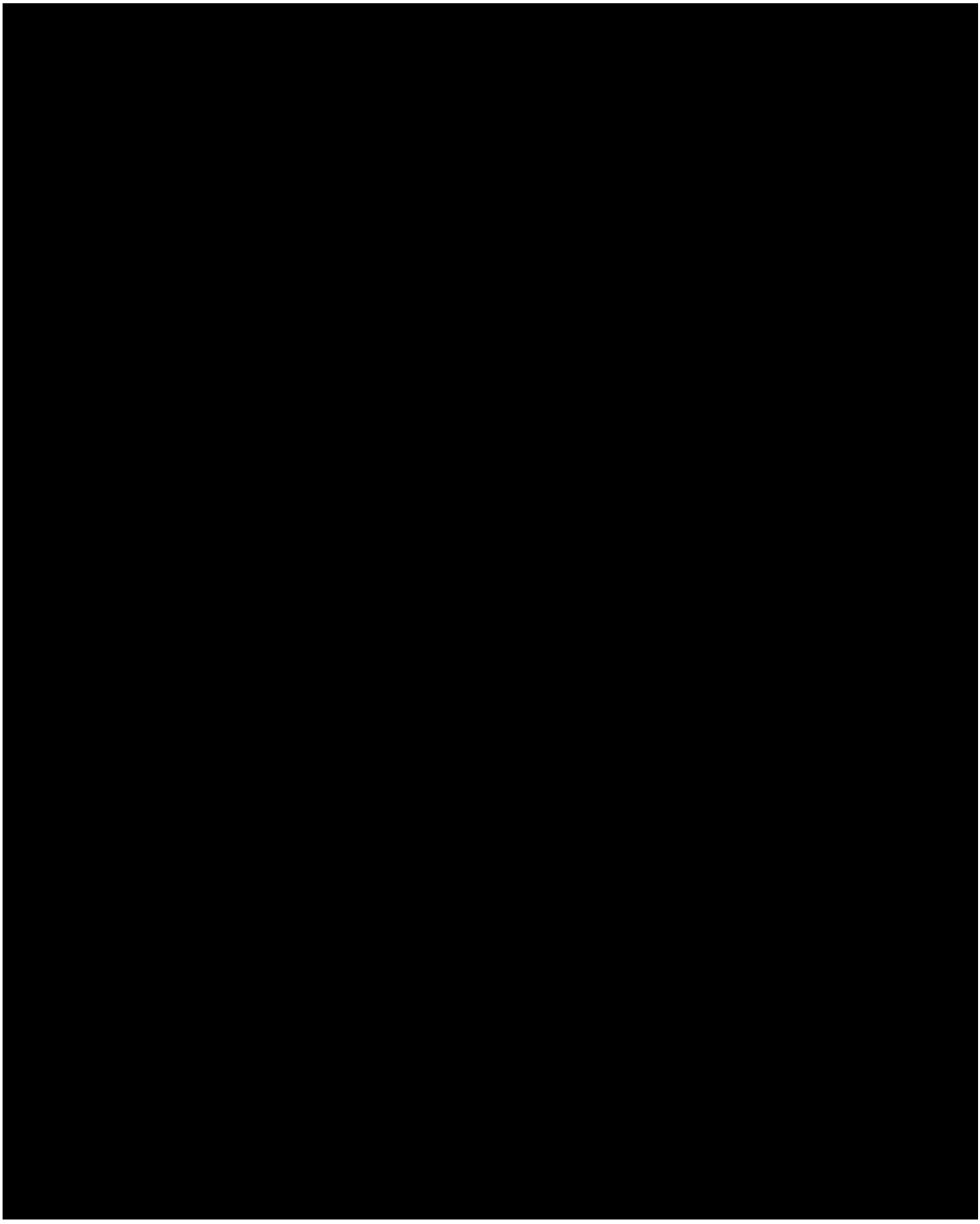

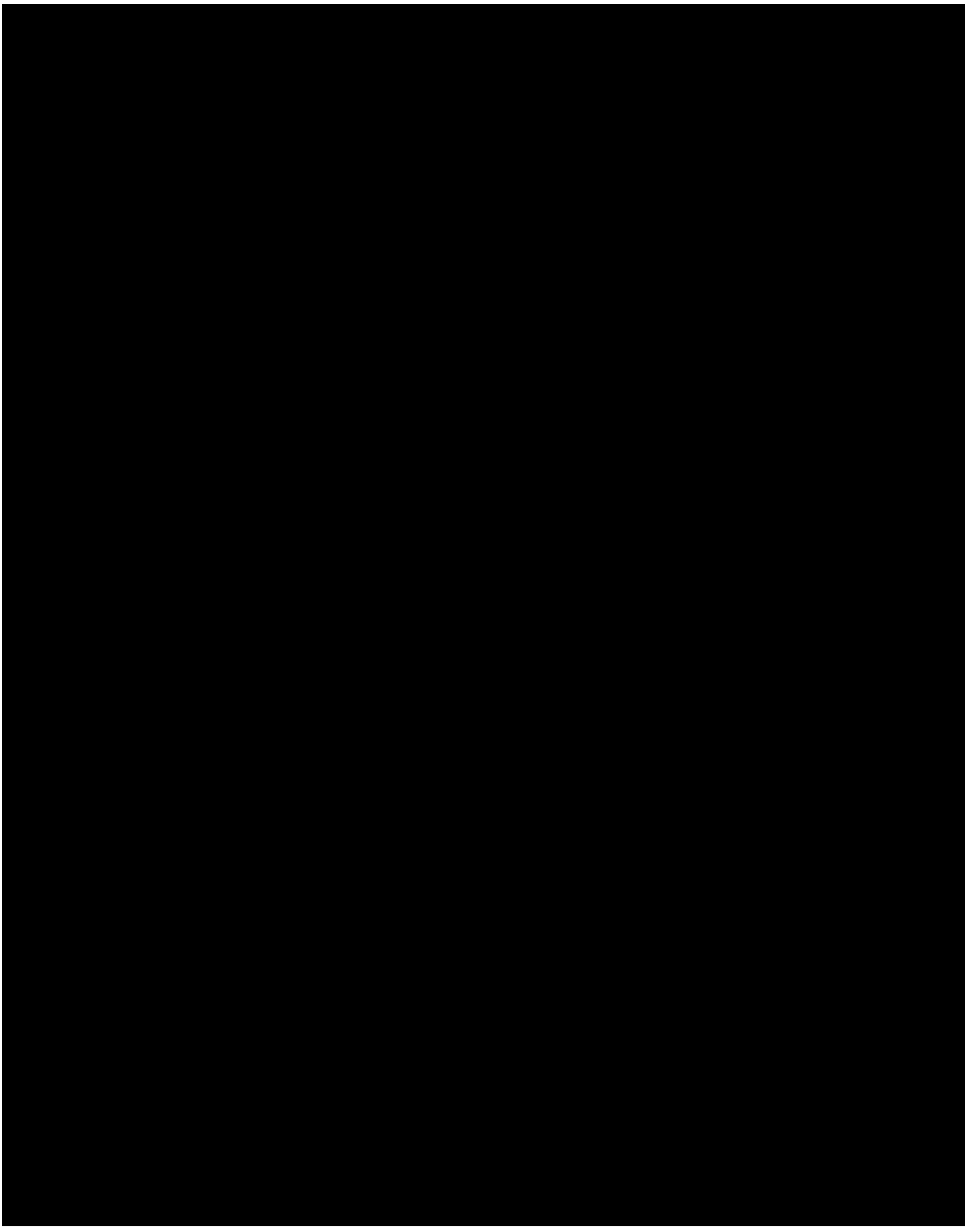







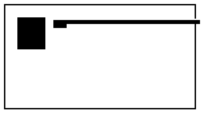











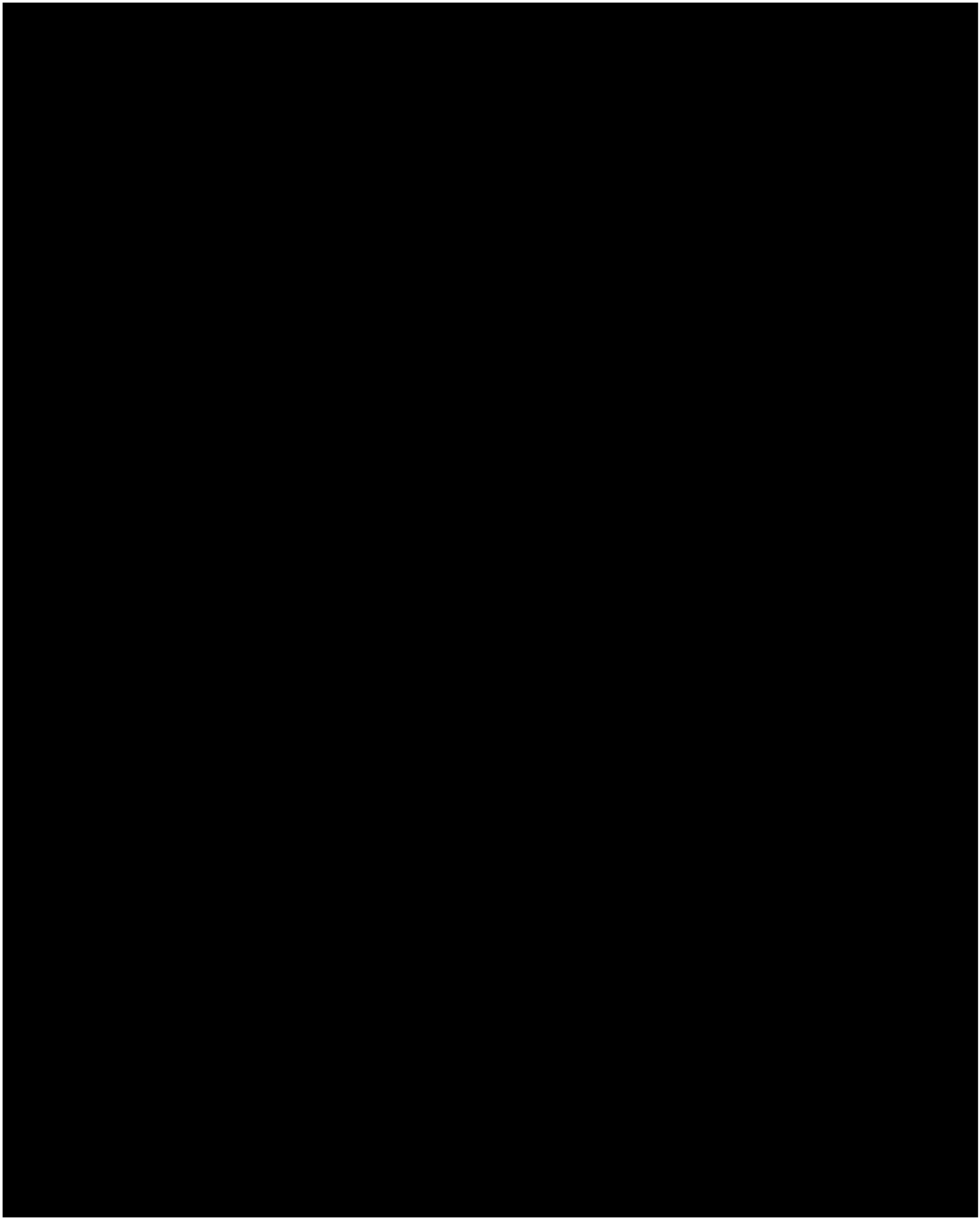

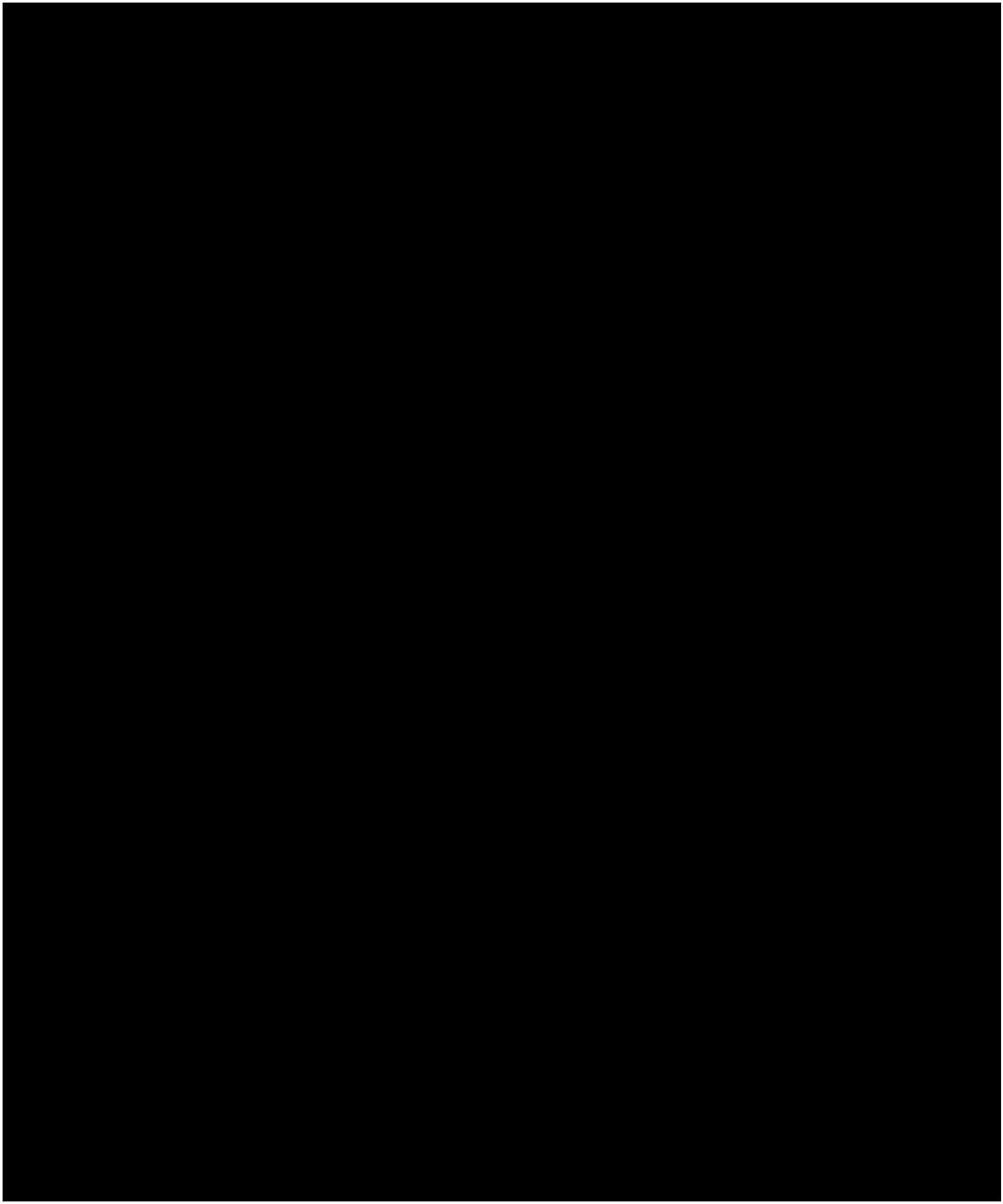

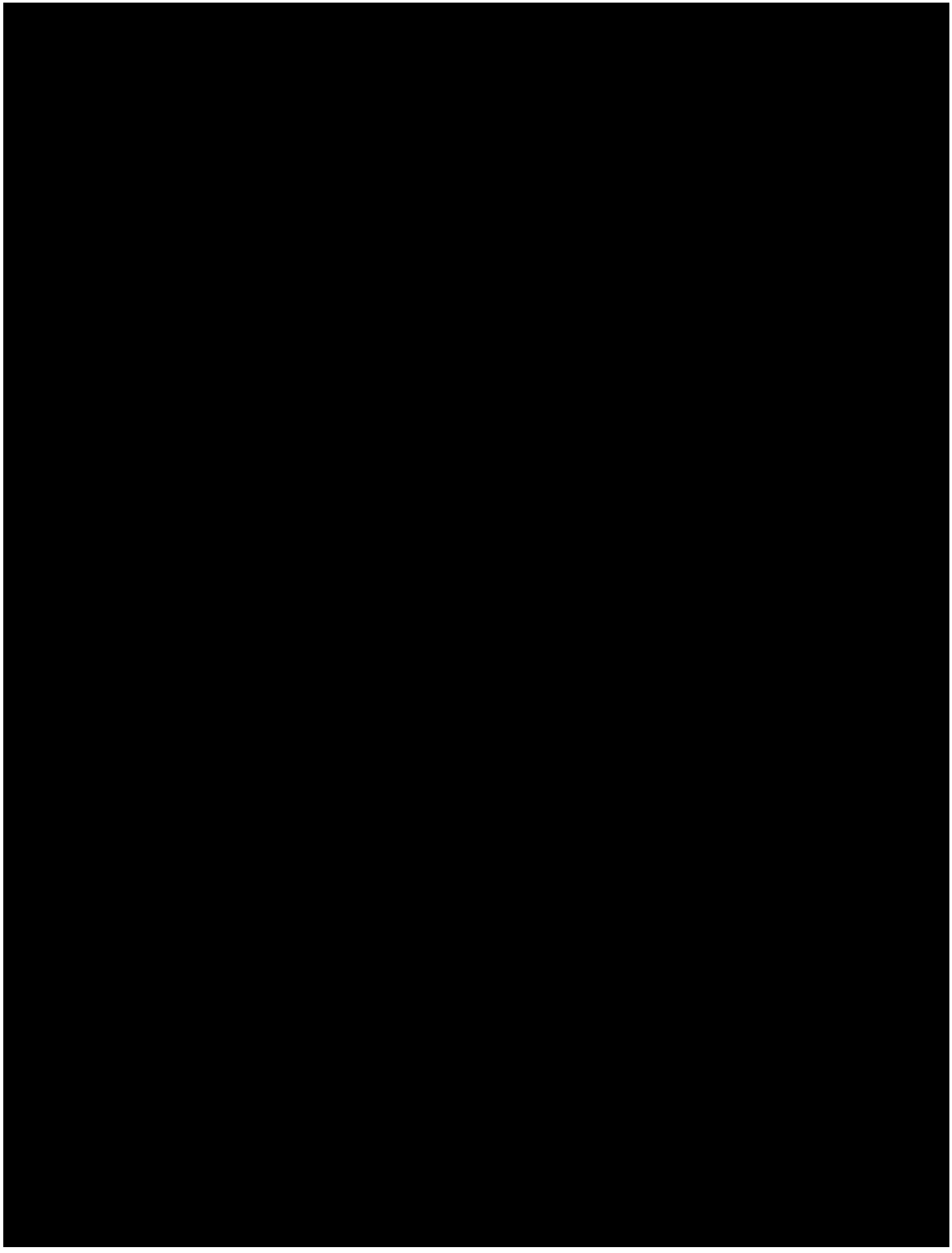

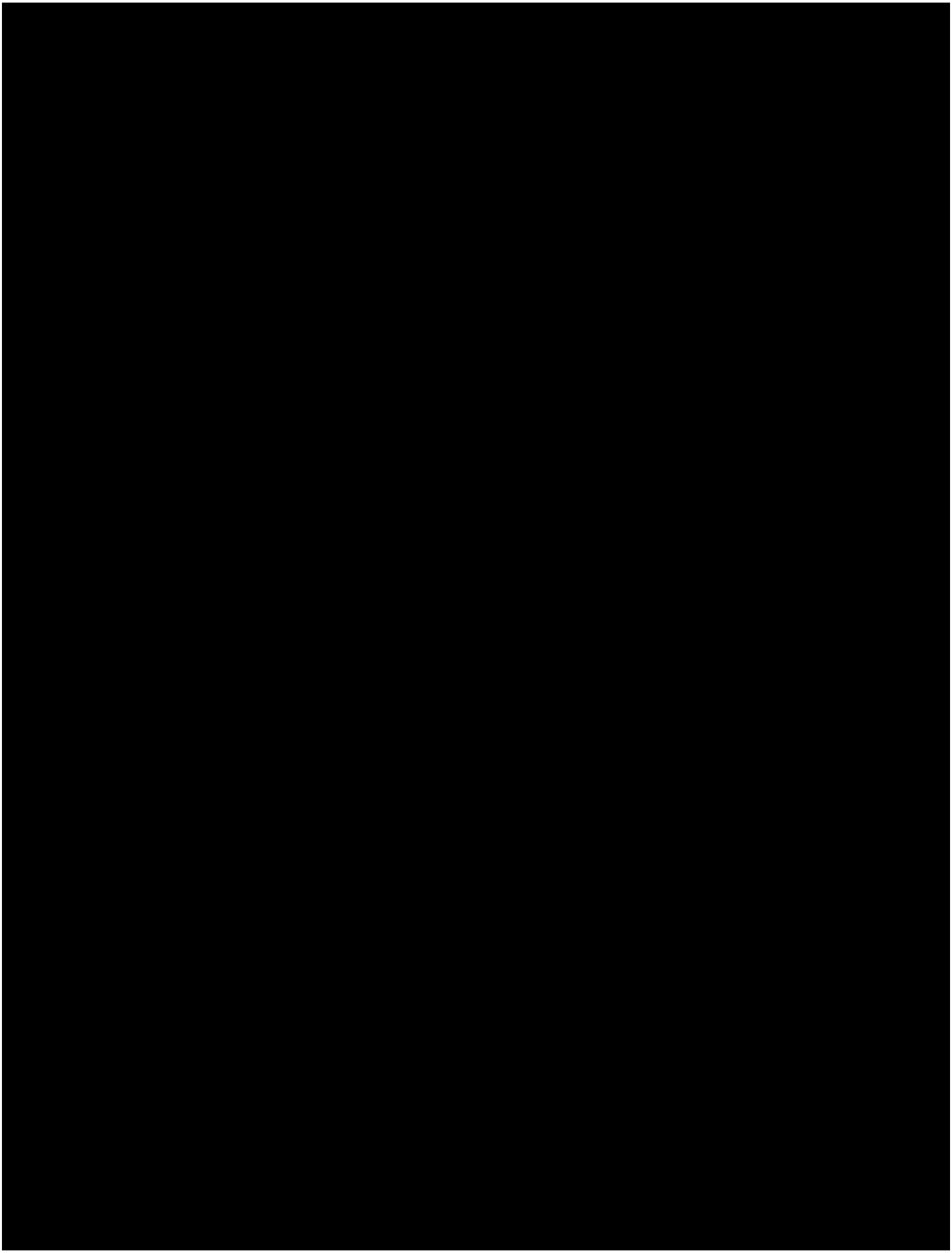

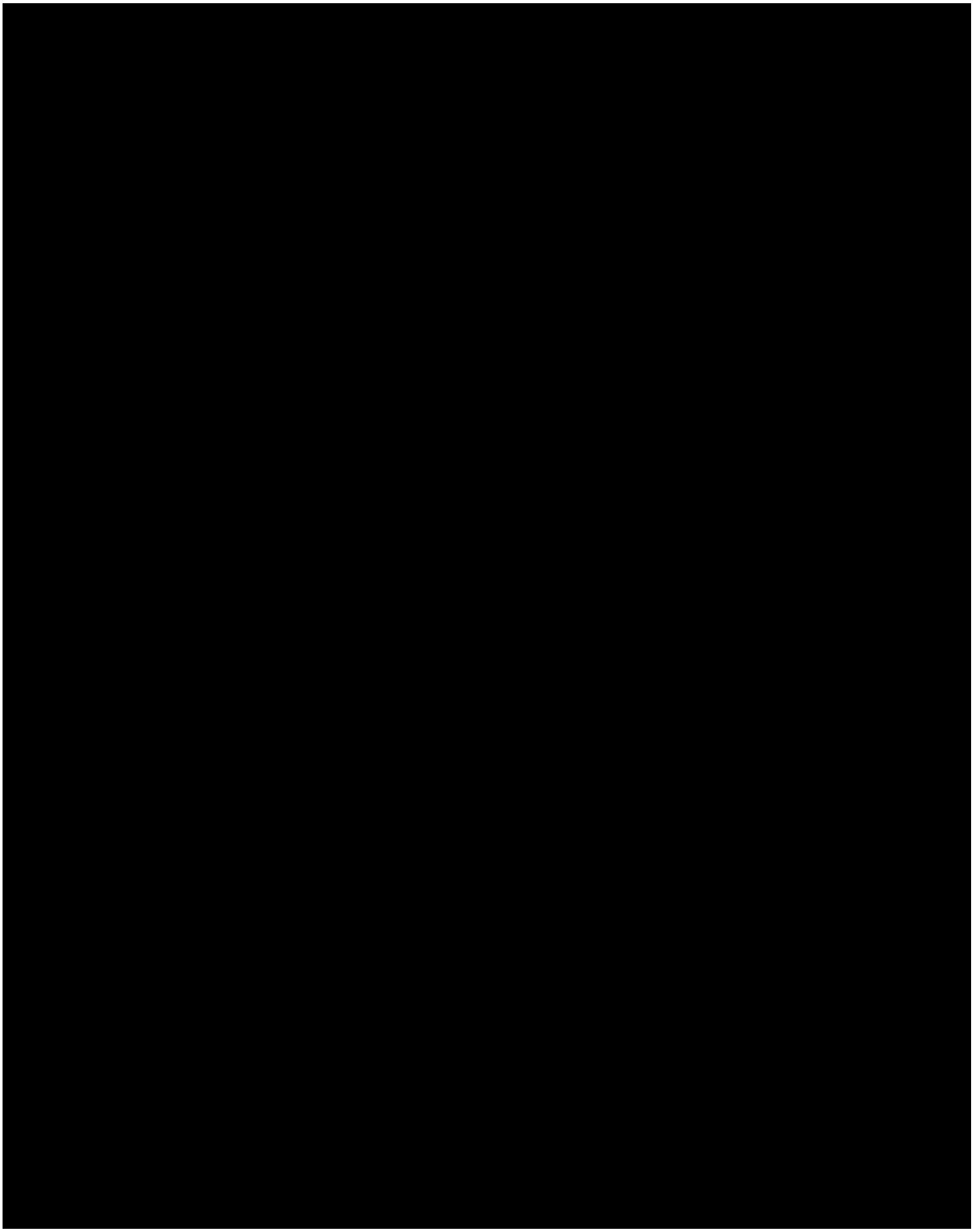

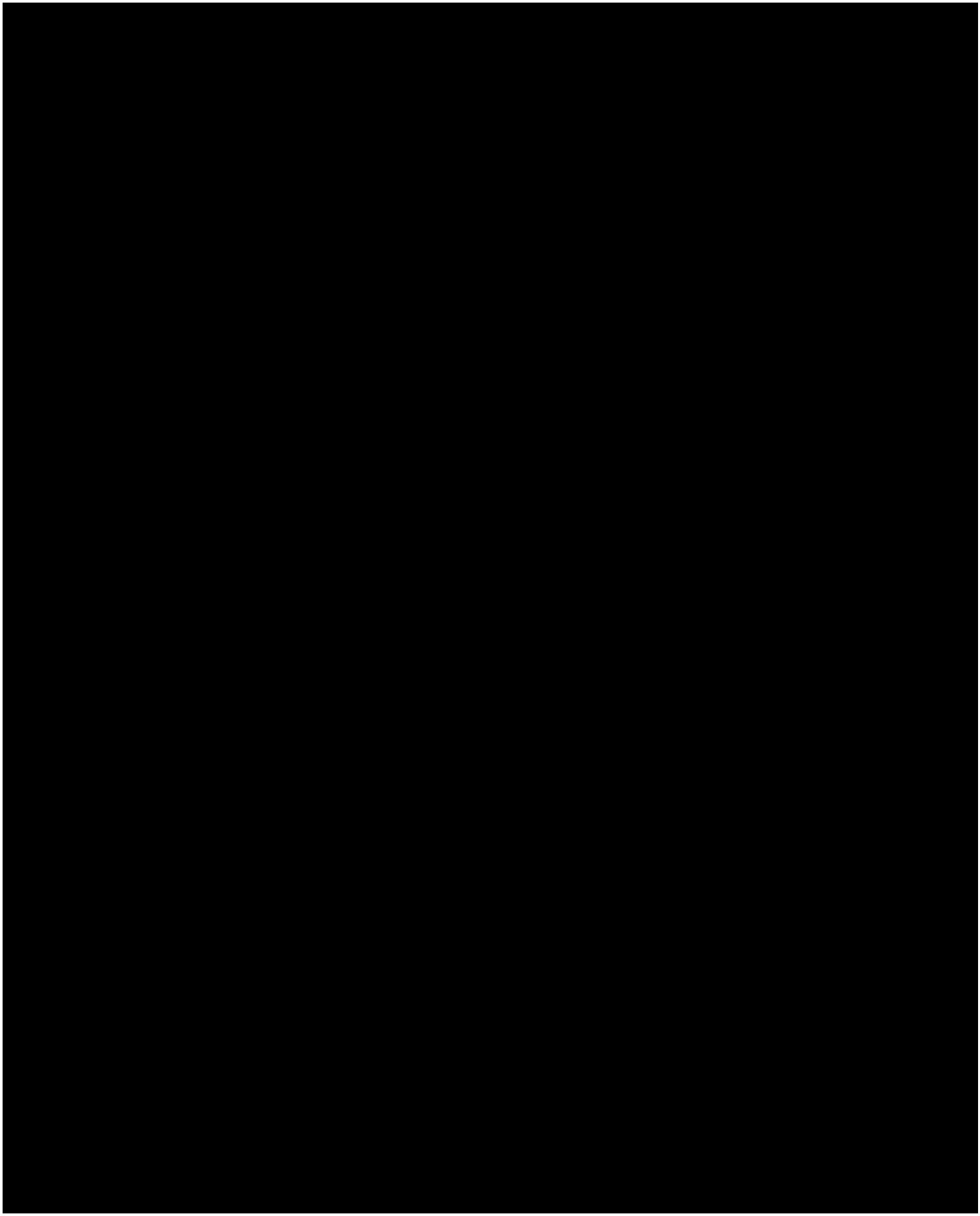

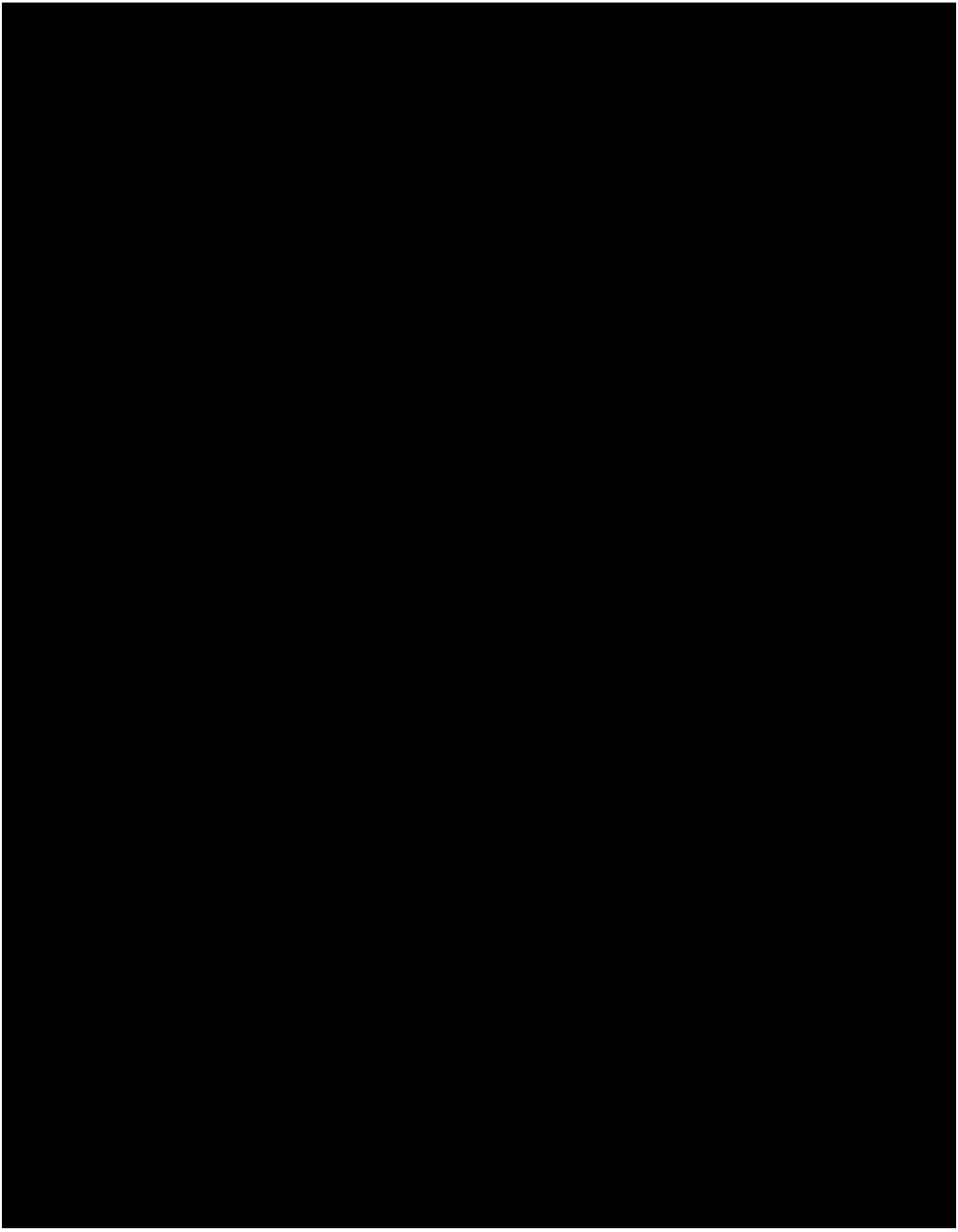

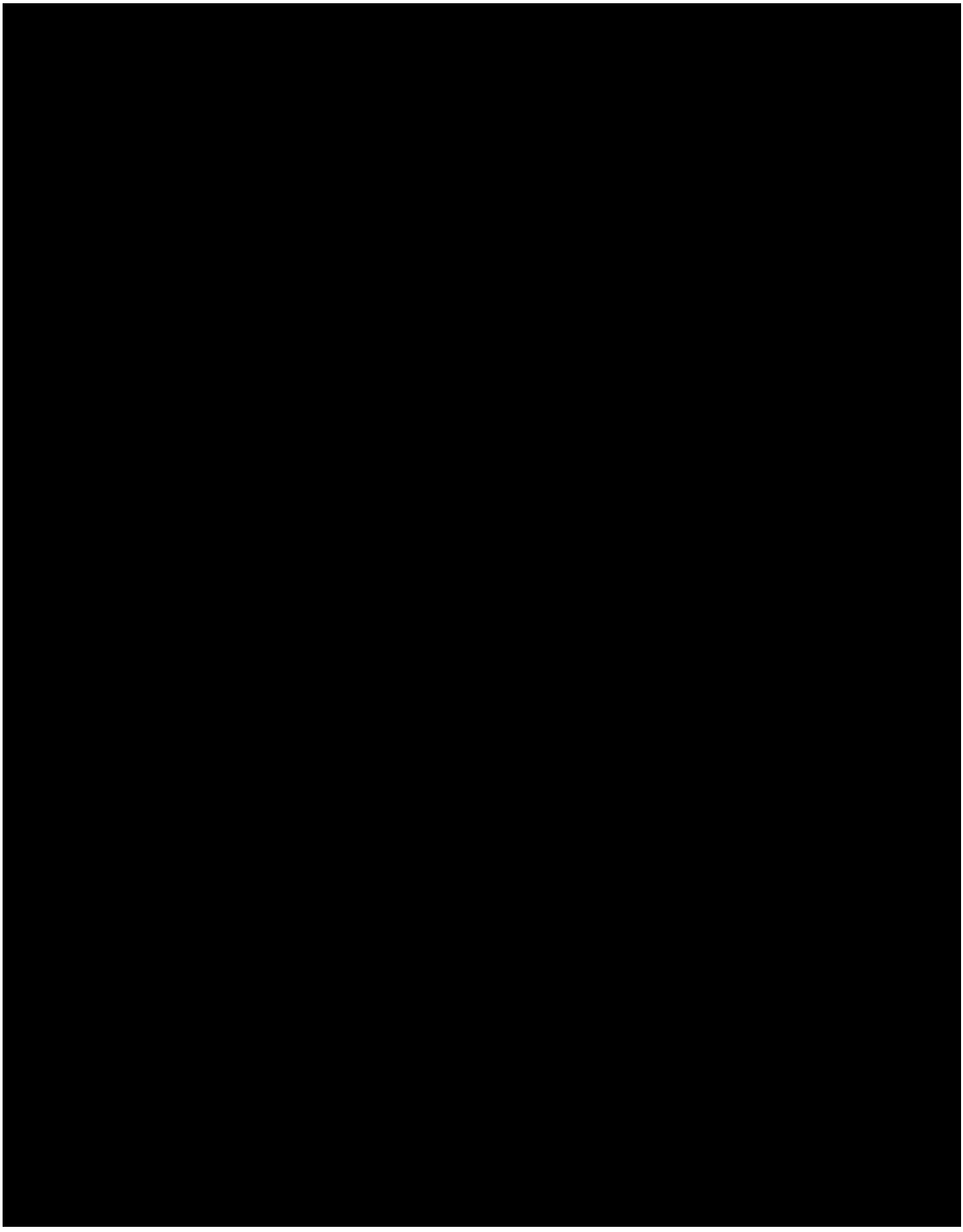

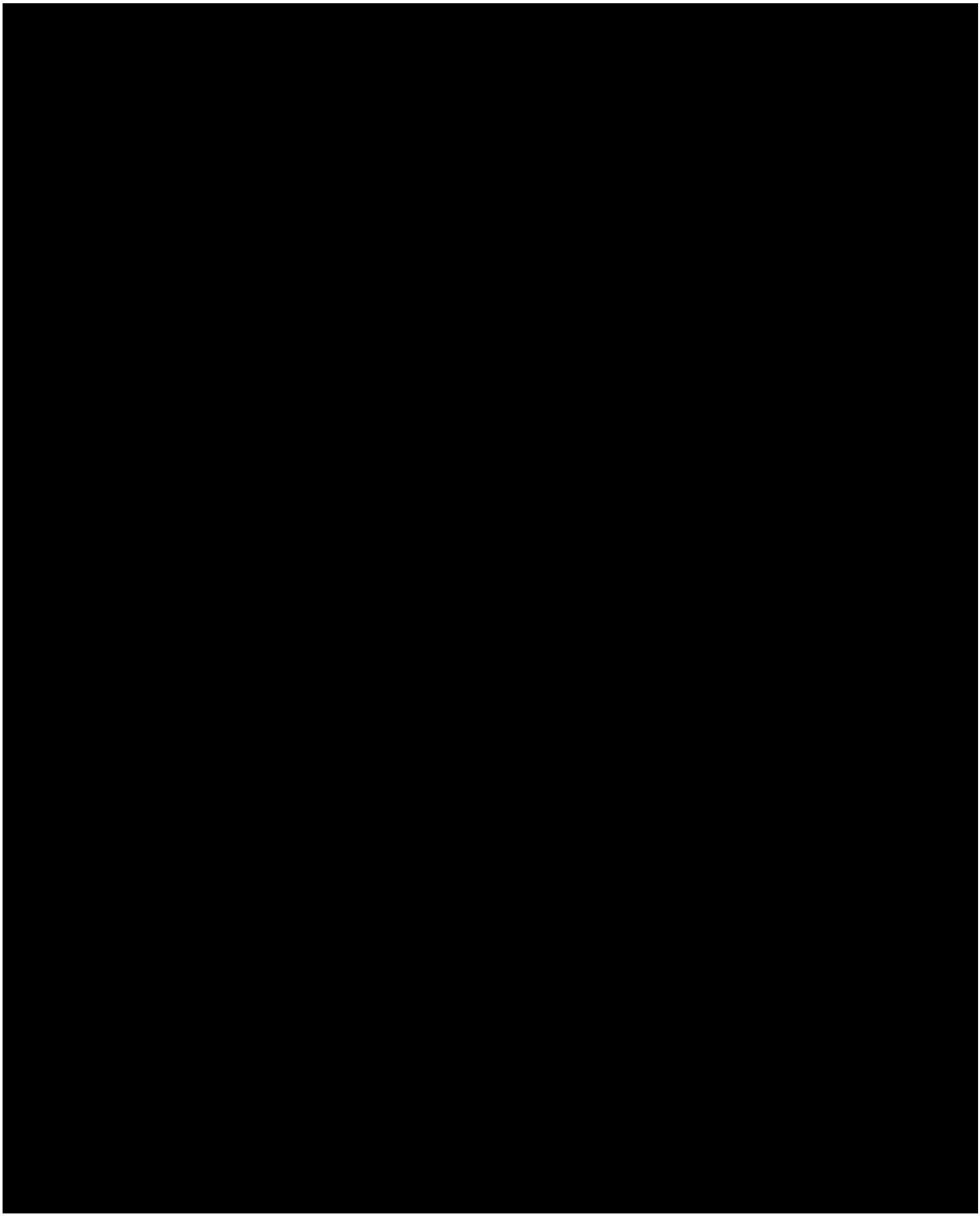



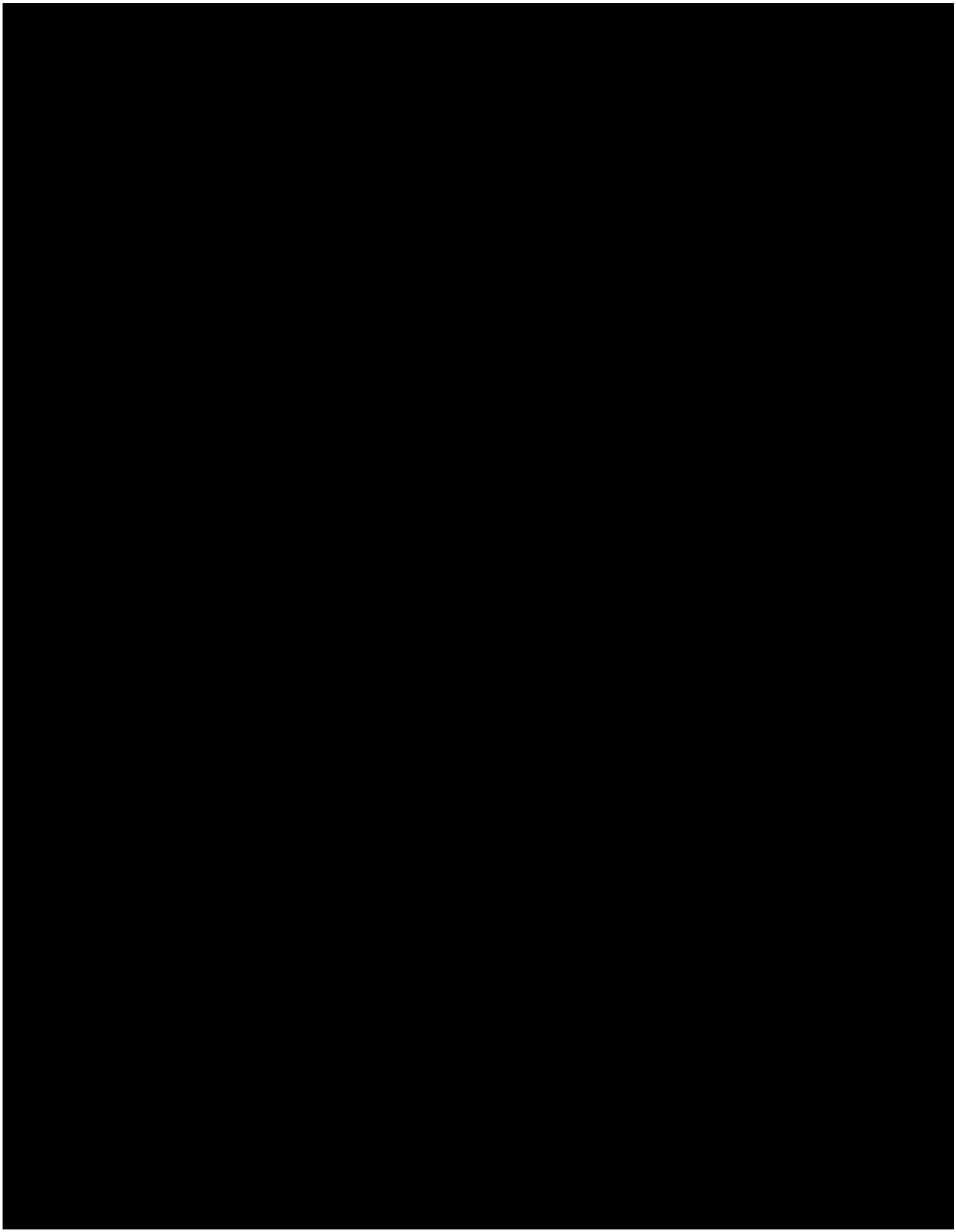

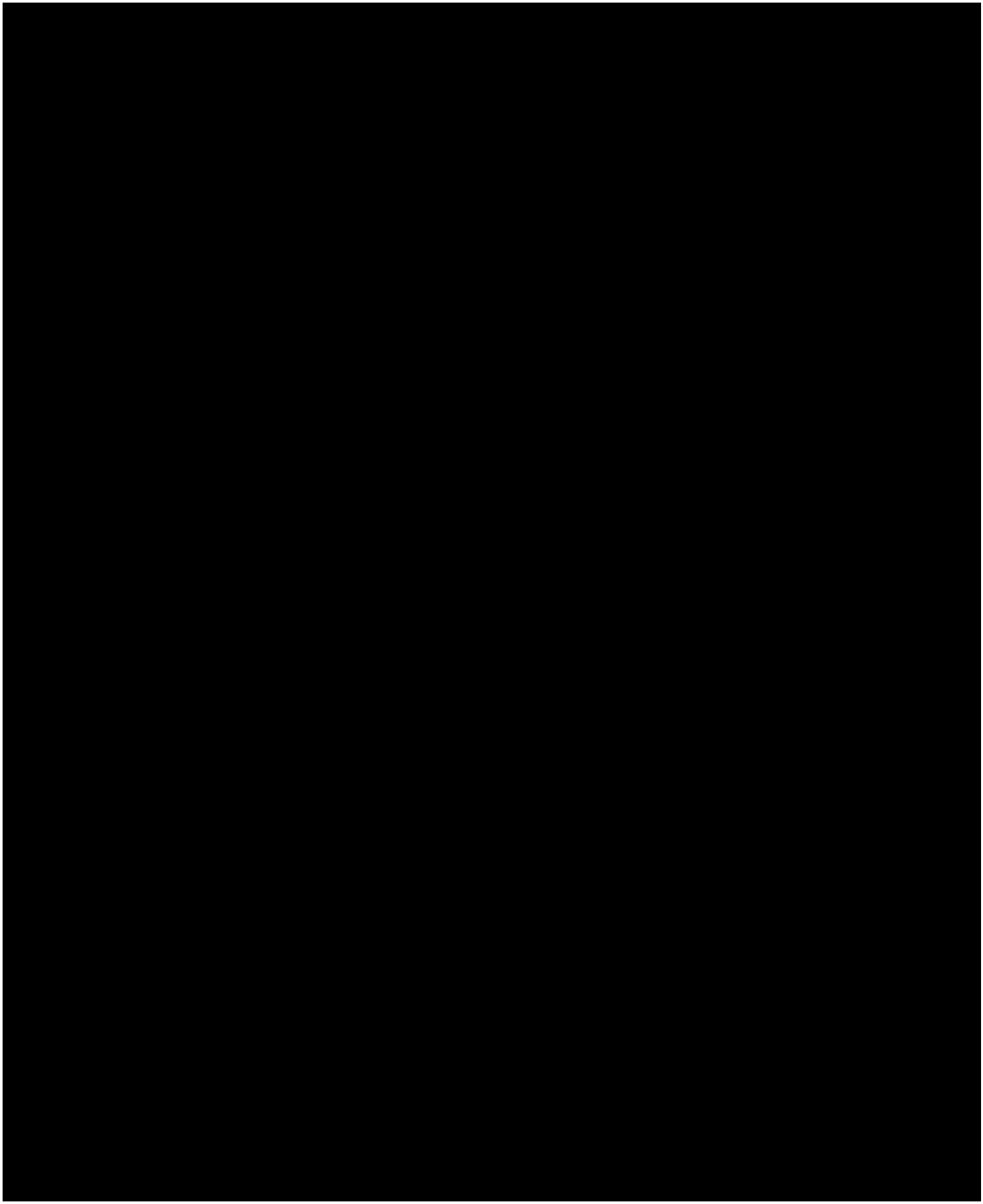

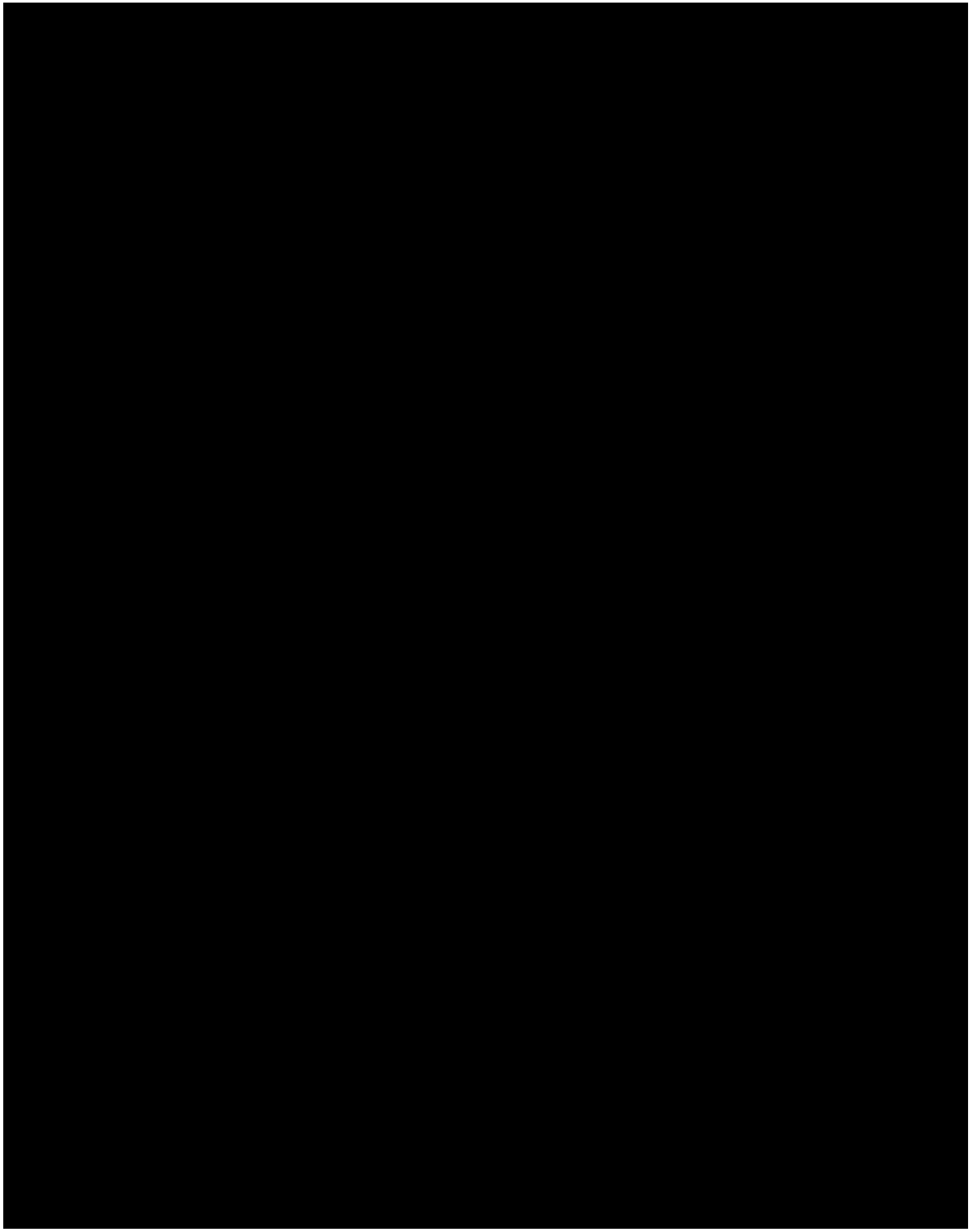

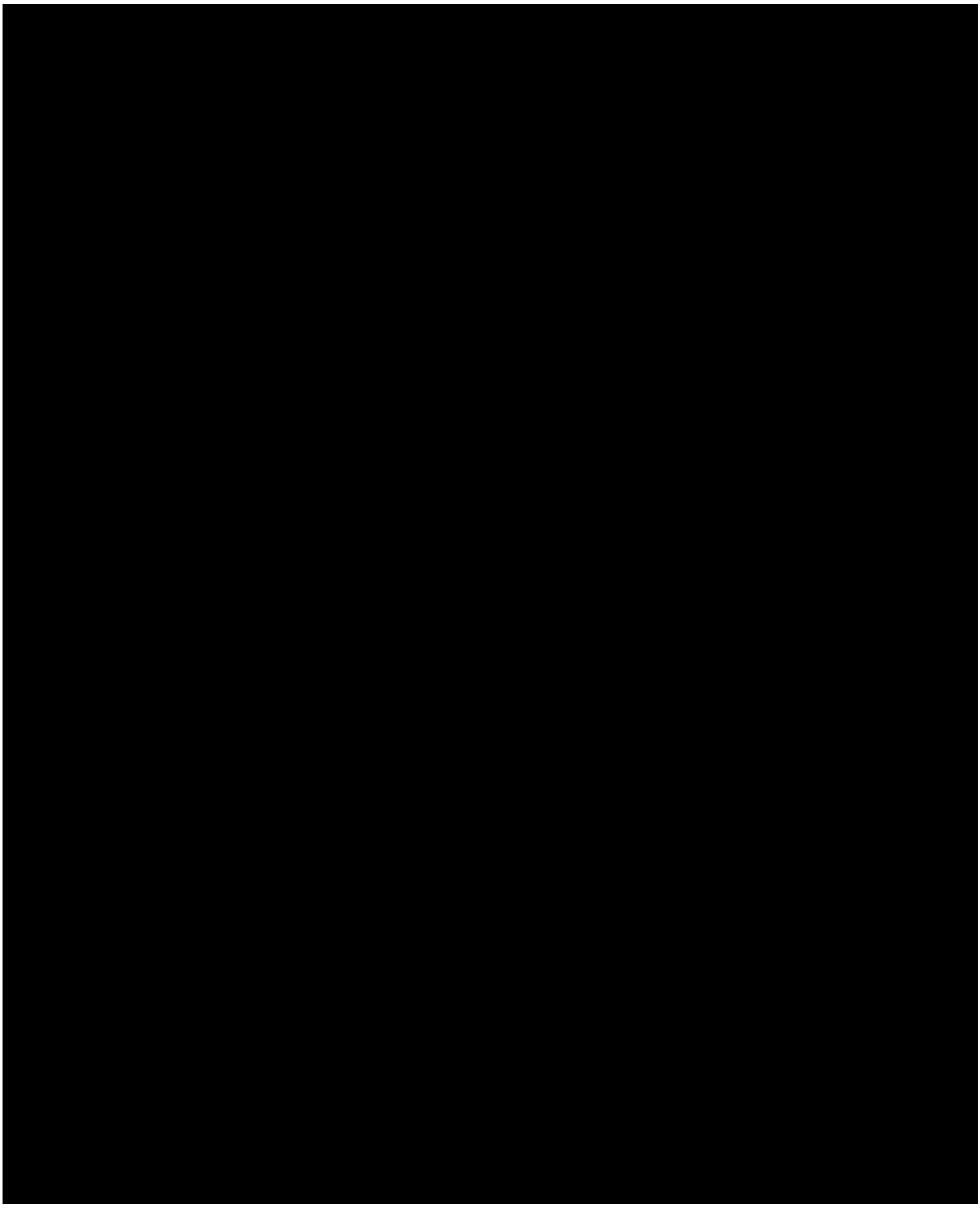

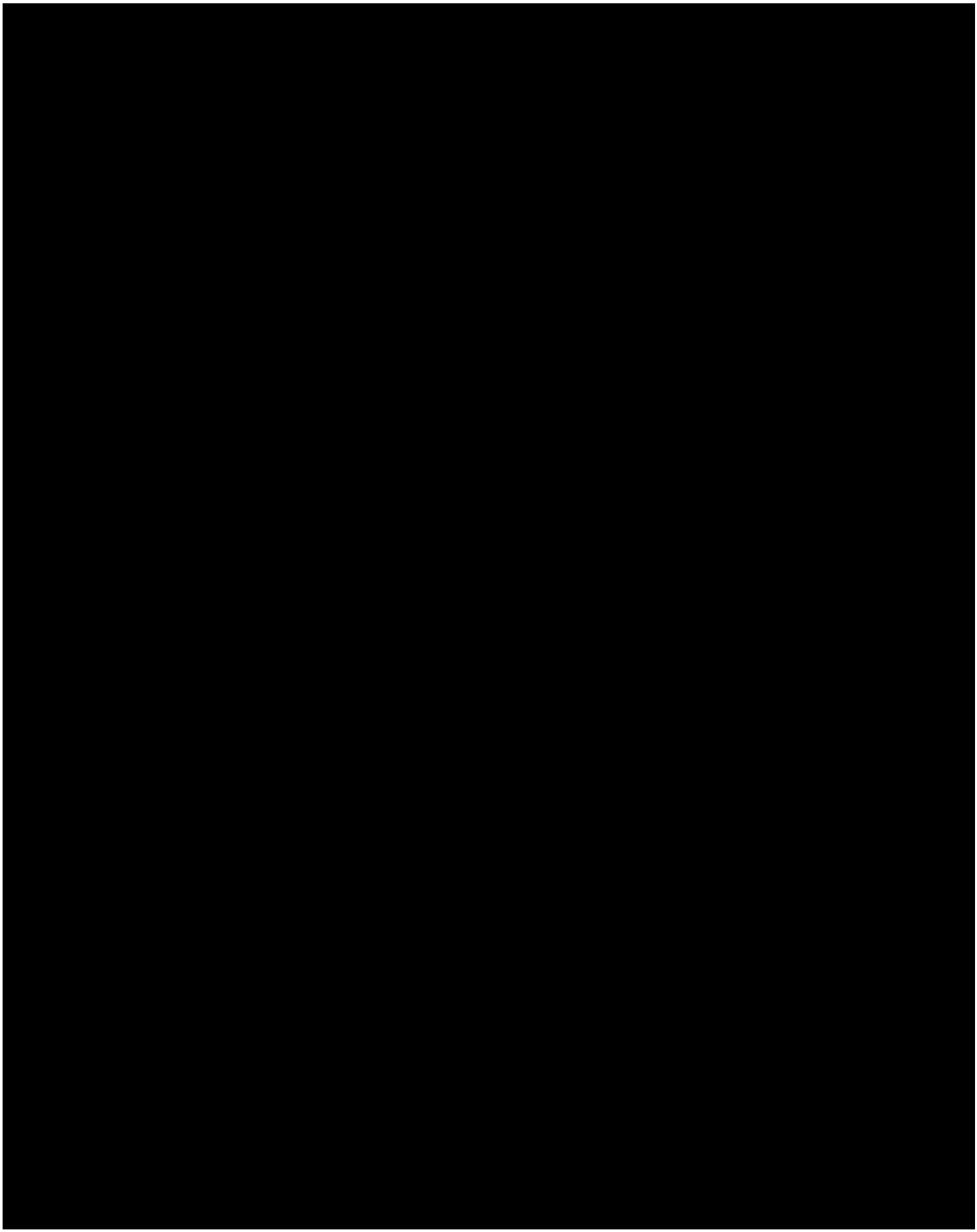

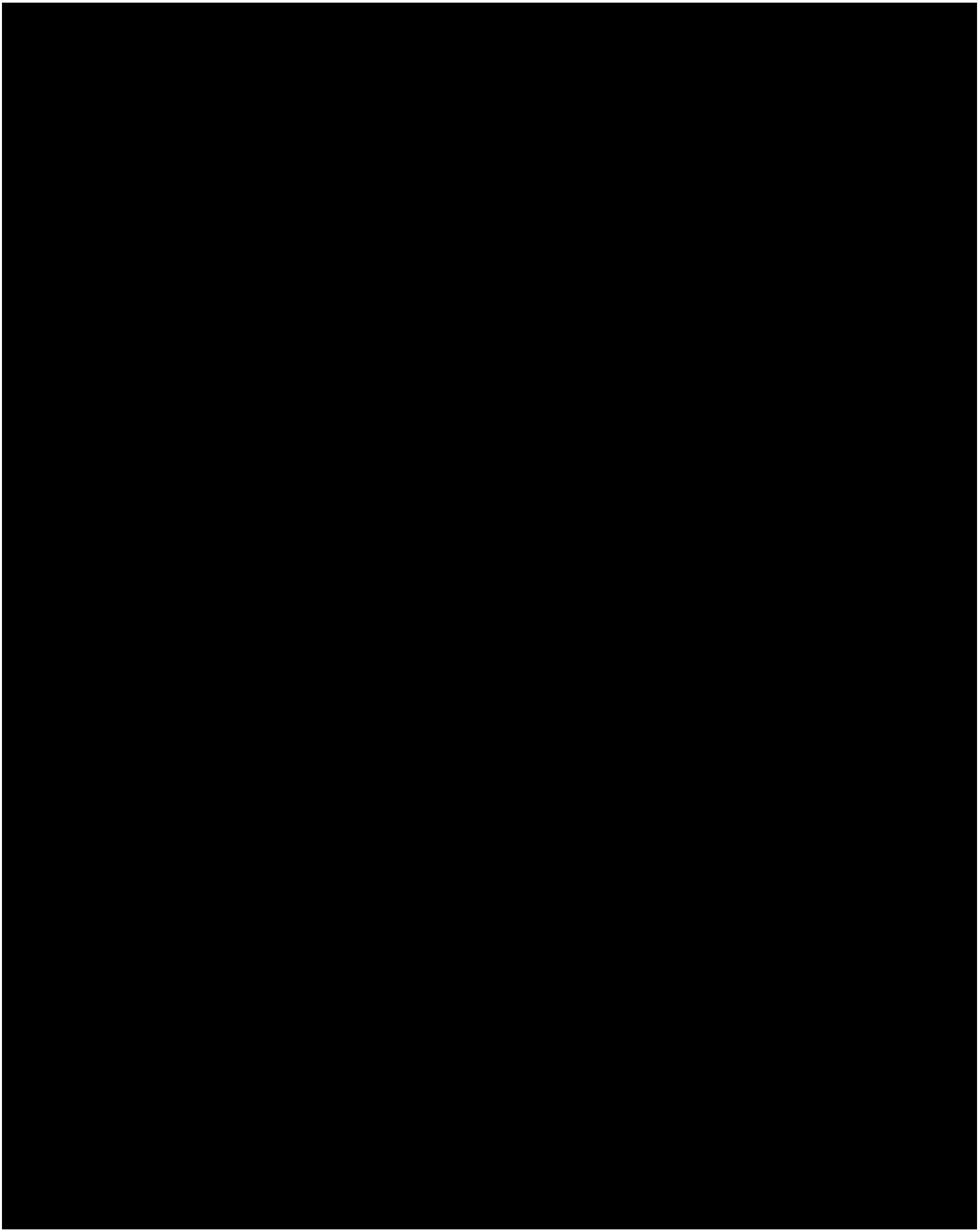



From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:17 AM
To: pamela.douglas@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

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NASN All Member Forum

Post New Message

Mar 13, 2023

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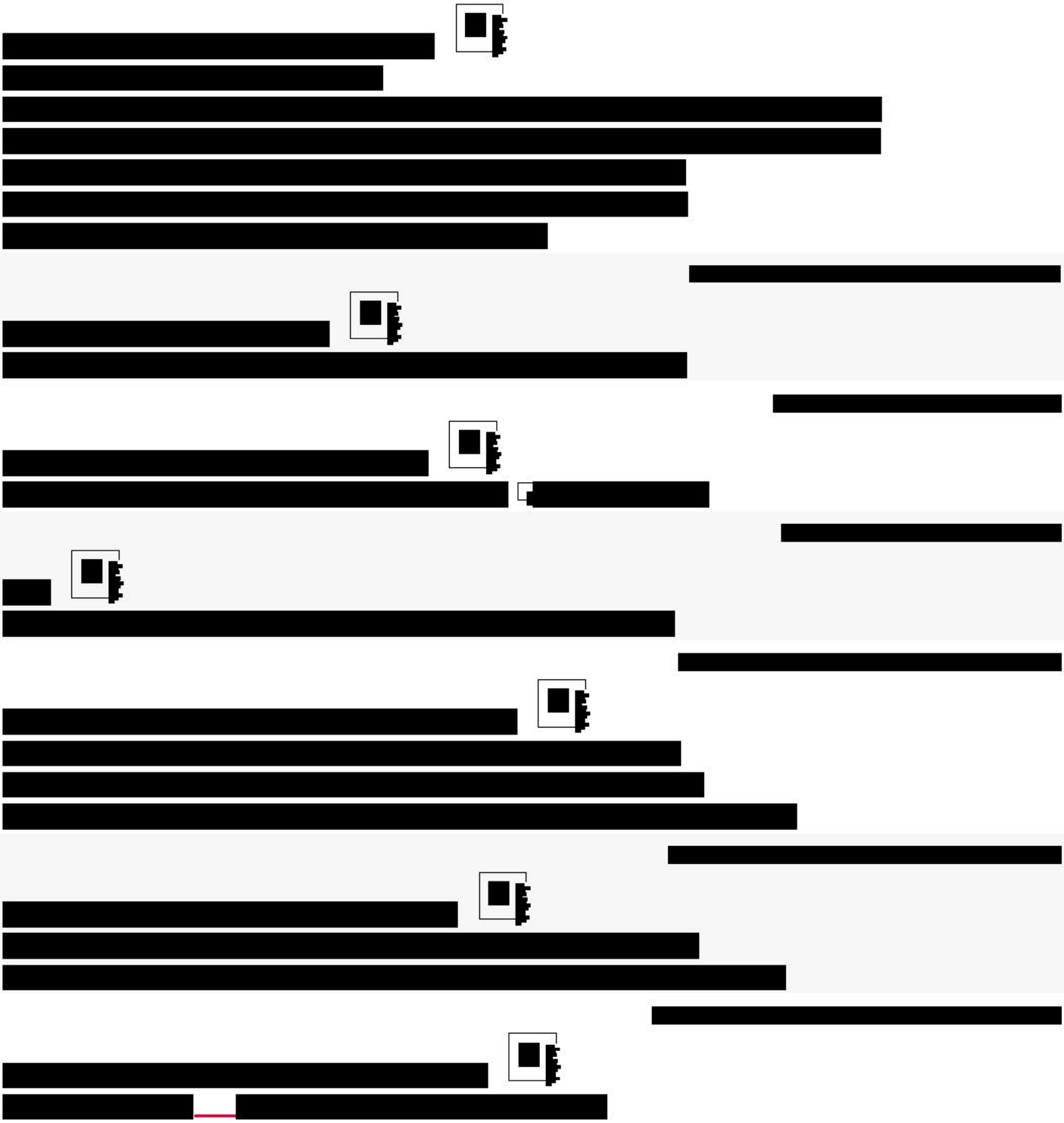

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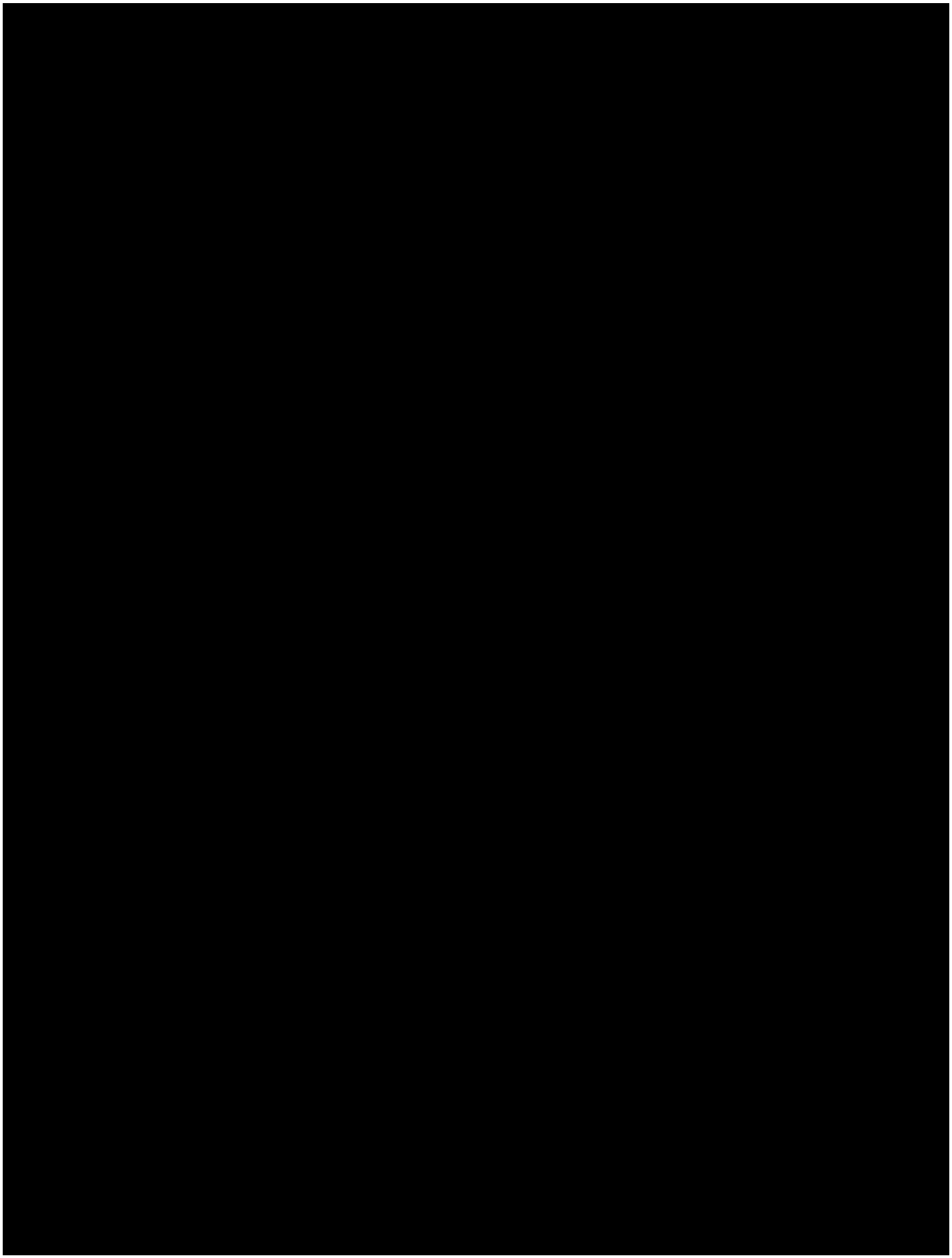

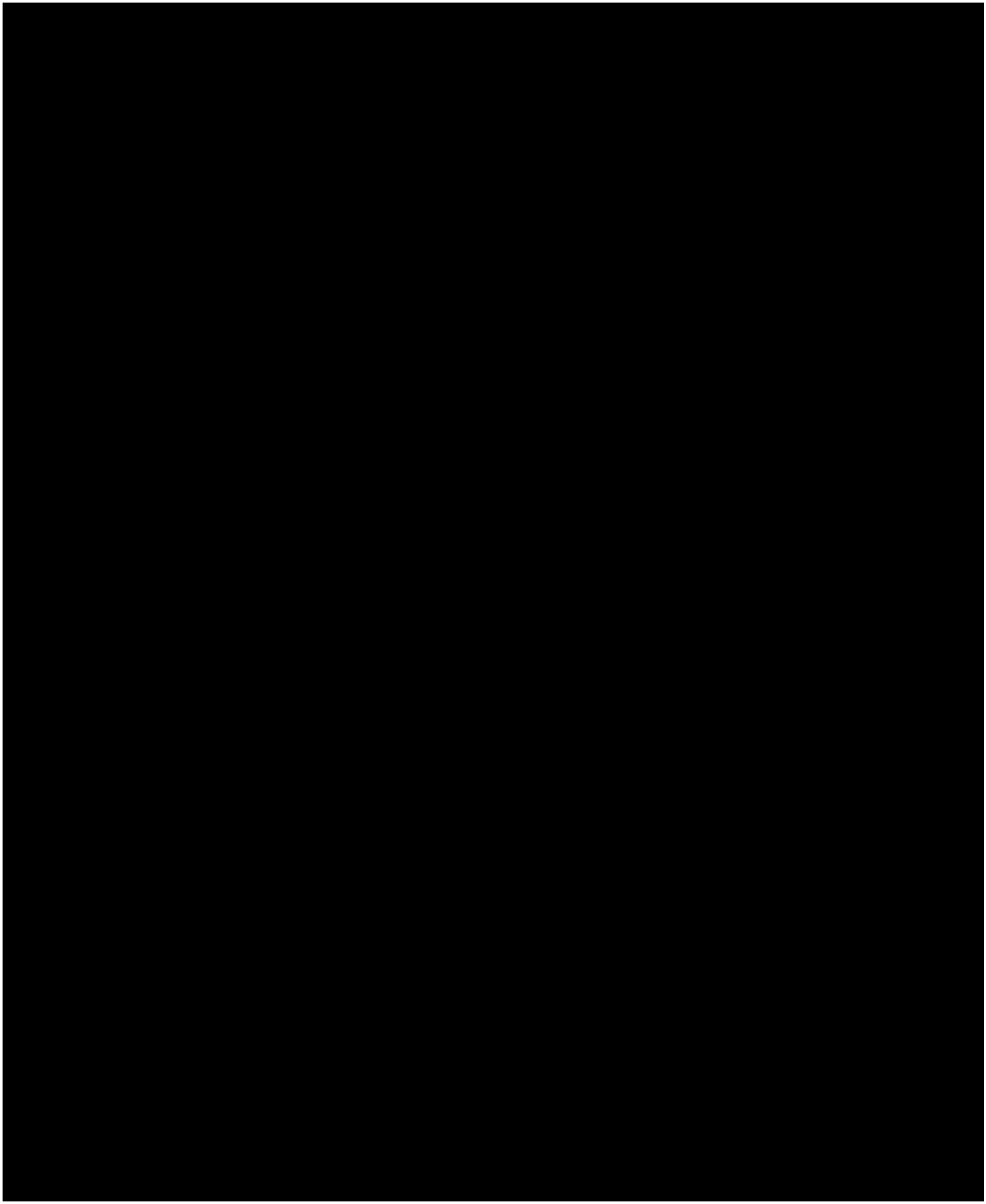

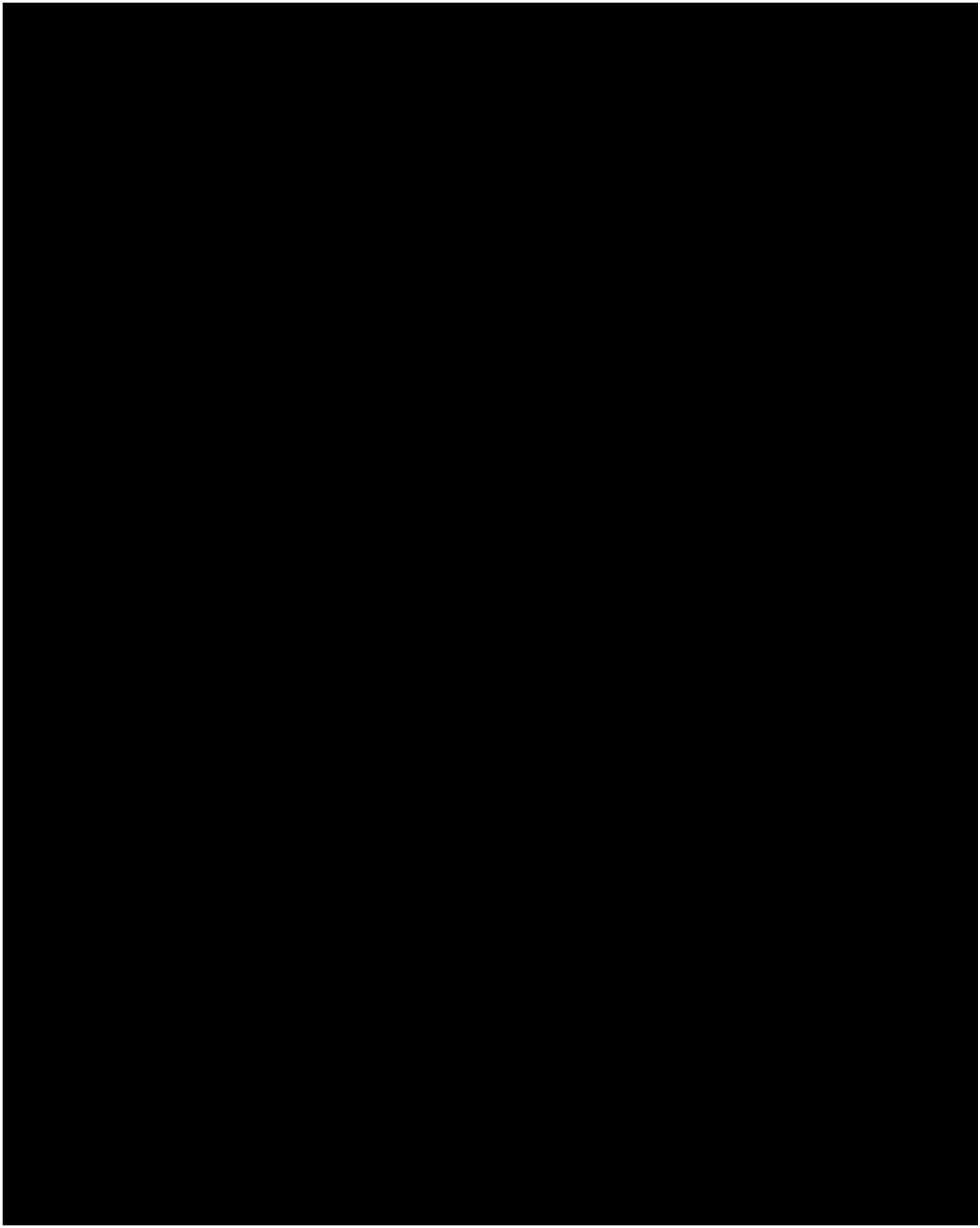

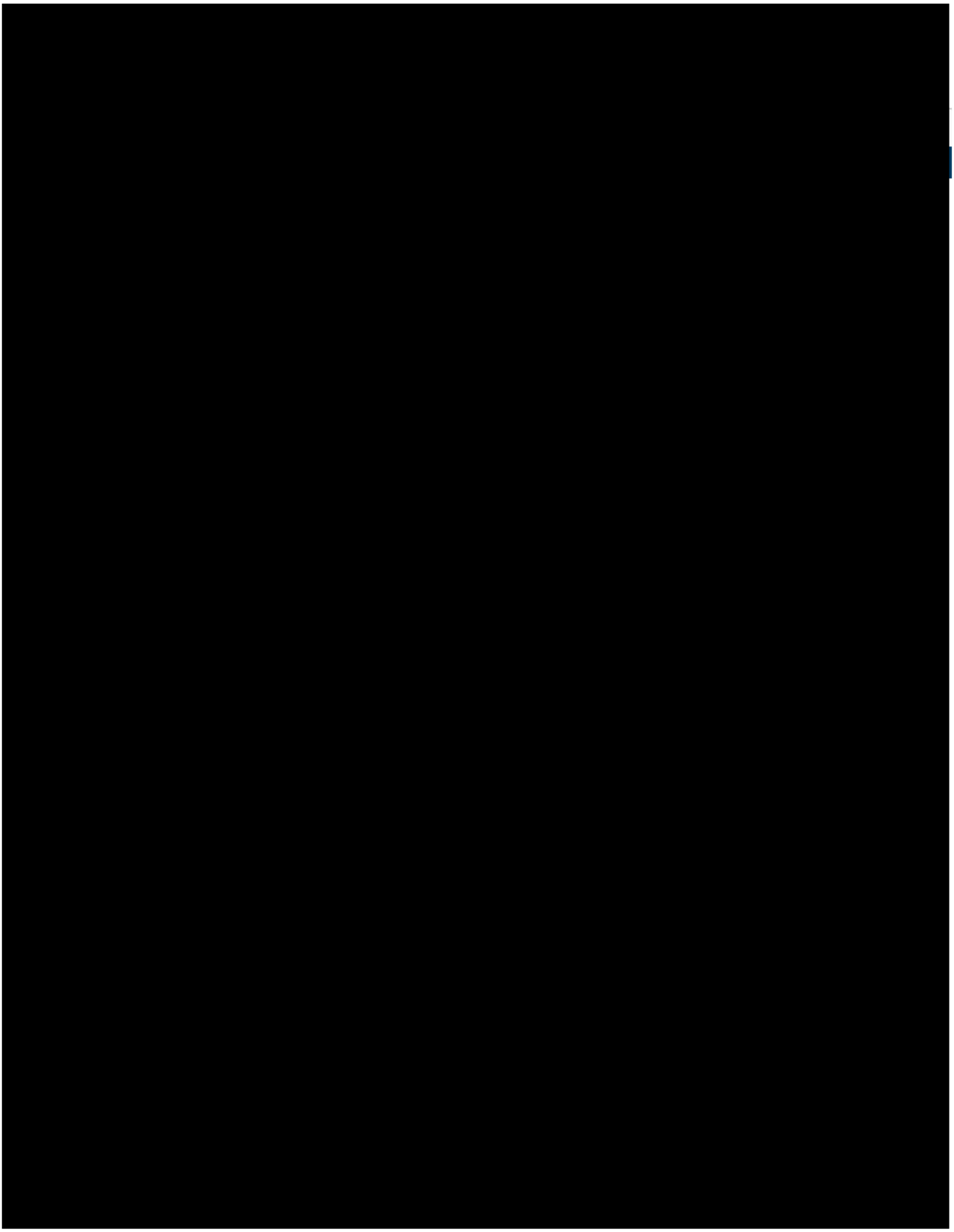

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Good luck!

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Heather

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Hampton Falls, NH United States

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MA United States
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learn.nasn.org/courses/47755

Good Luck!

Tracy

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Reply to Group Reply to Sender



Mar 13, 2023 9:22 AM
Paula Purcell, MEd, BSN, RN, CDDN

Hi Julia,



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Paula

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6. Massachusetts Transgender Political Coalition
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Paula Purcell M.Ed, BSN, RN, CDDN
School Nurse
Northshore Education Consortium
Topsfield Vocational Academy/STEP
Topsfield, MA USA

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Original Message:
Sent: 03-10-2023 14:44
From: Julia Zaino
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Julia Zaino, RN, BSN, NCSN
MA United States
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top previous next

11. Re: Gender Identity

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Mar 13, 2023 12:46 PM
Claire Molner, MEd, NCSN, RN, BS, AASN



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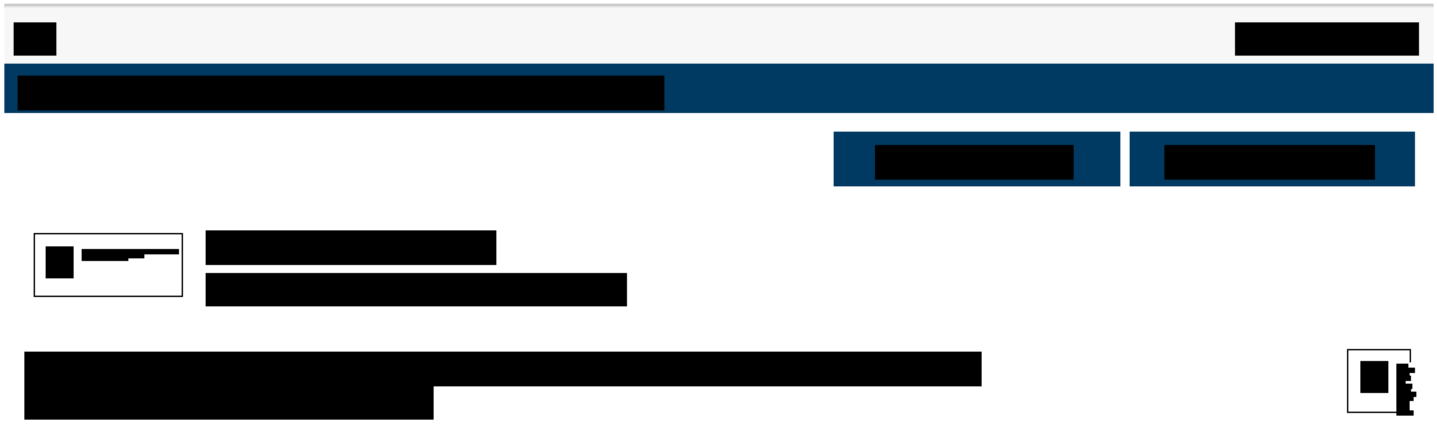

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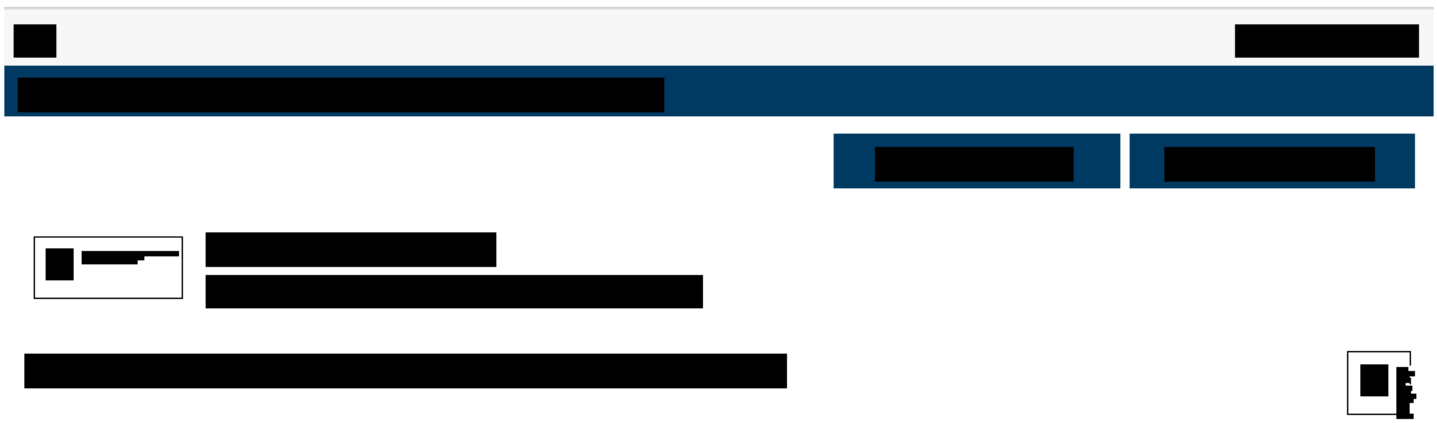

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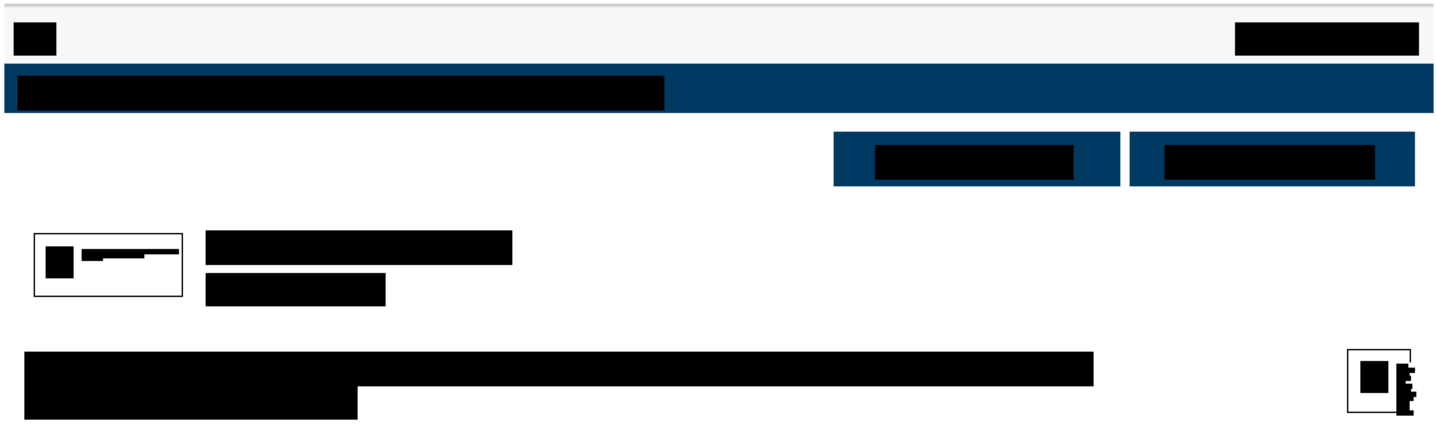

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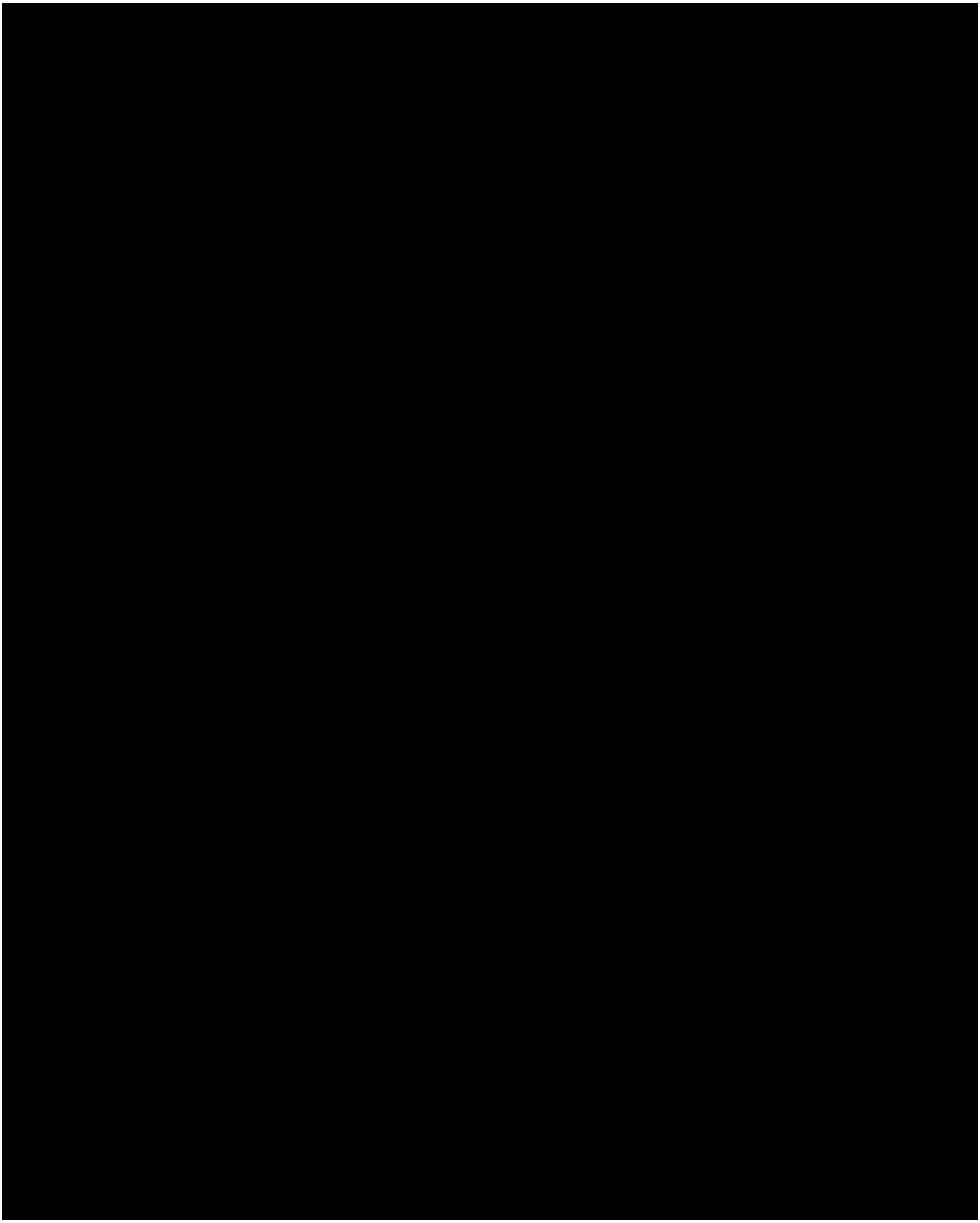

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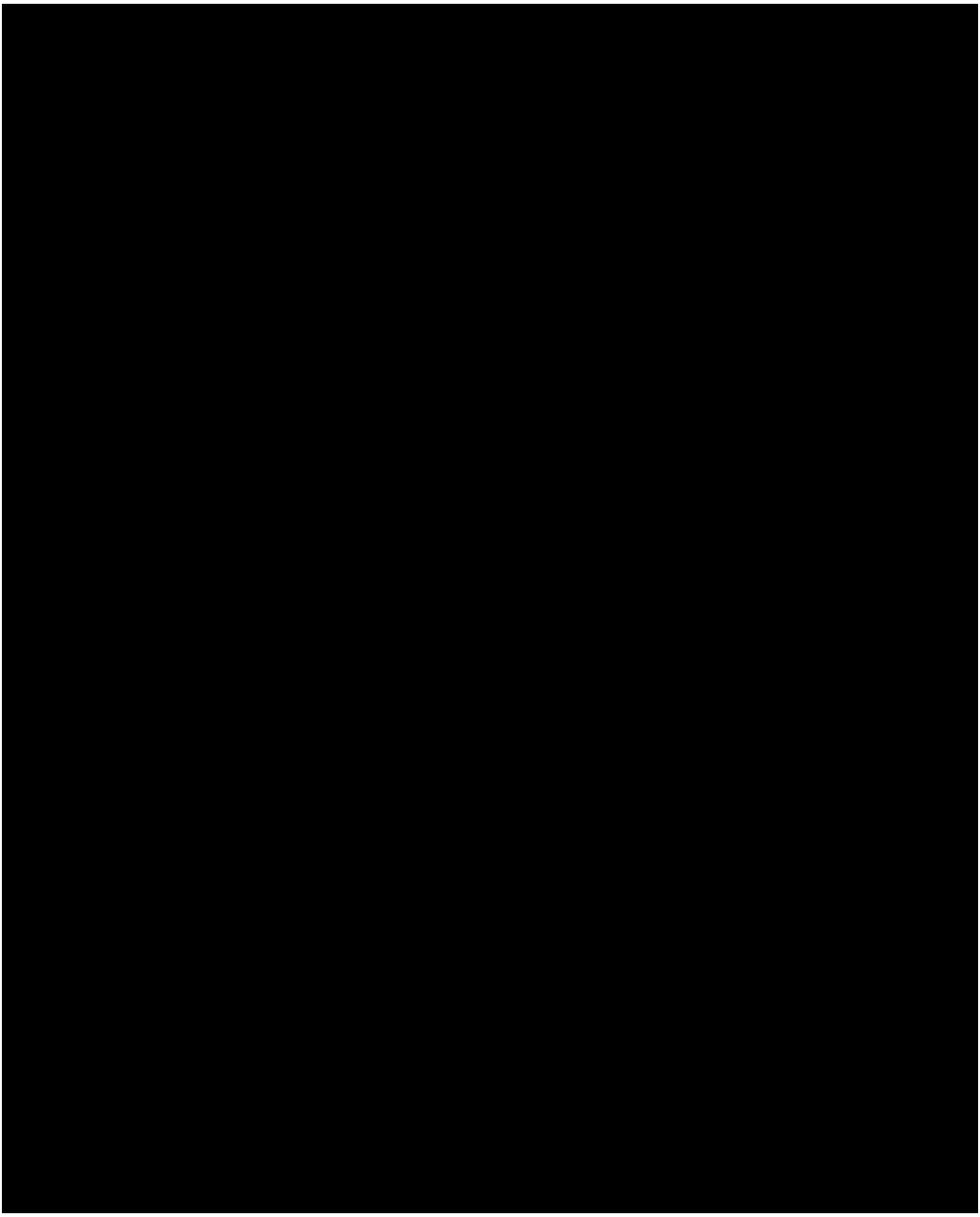

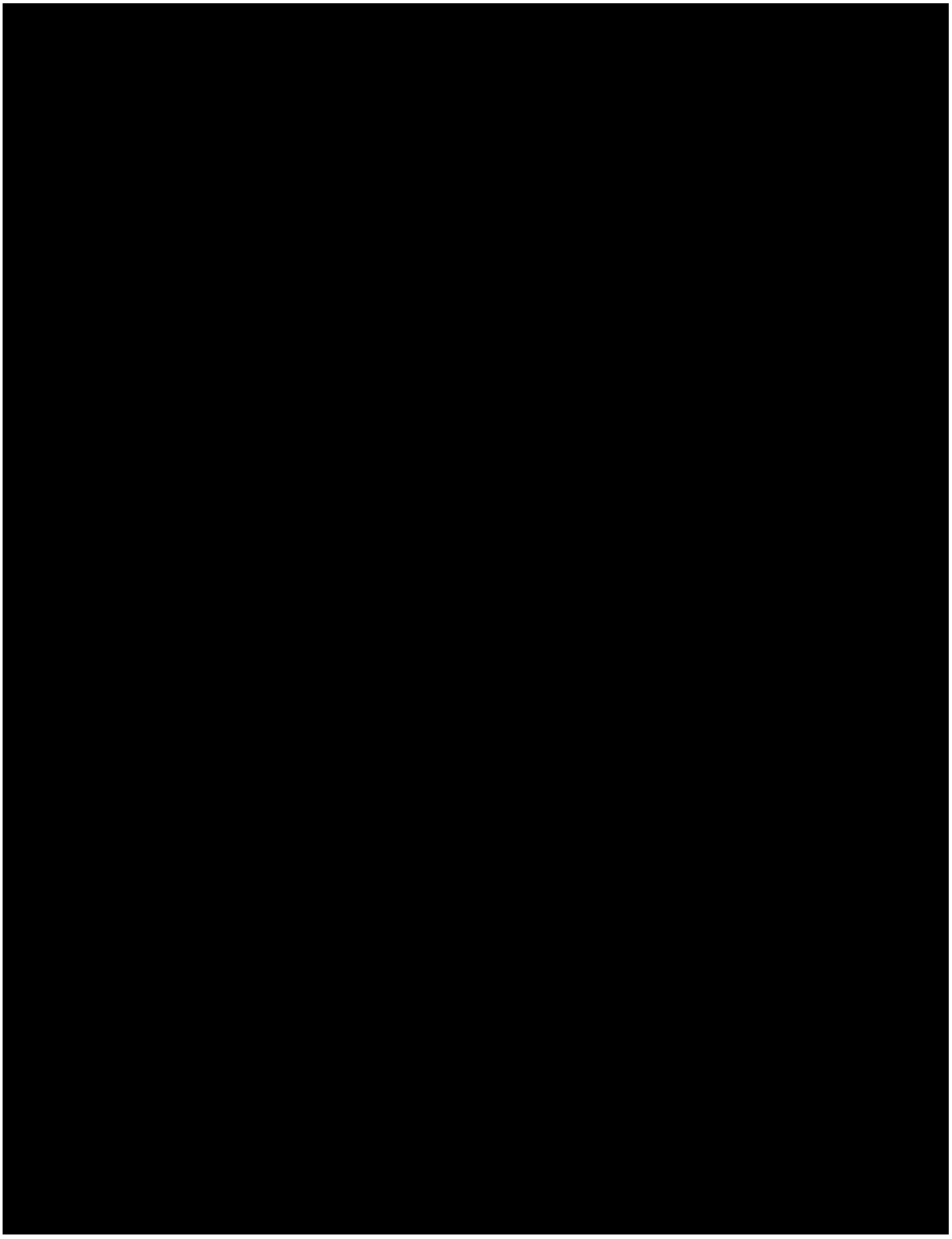

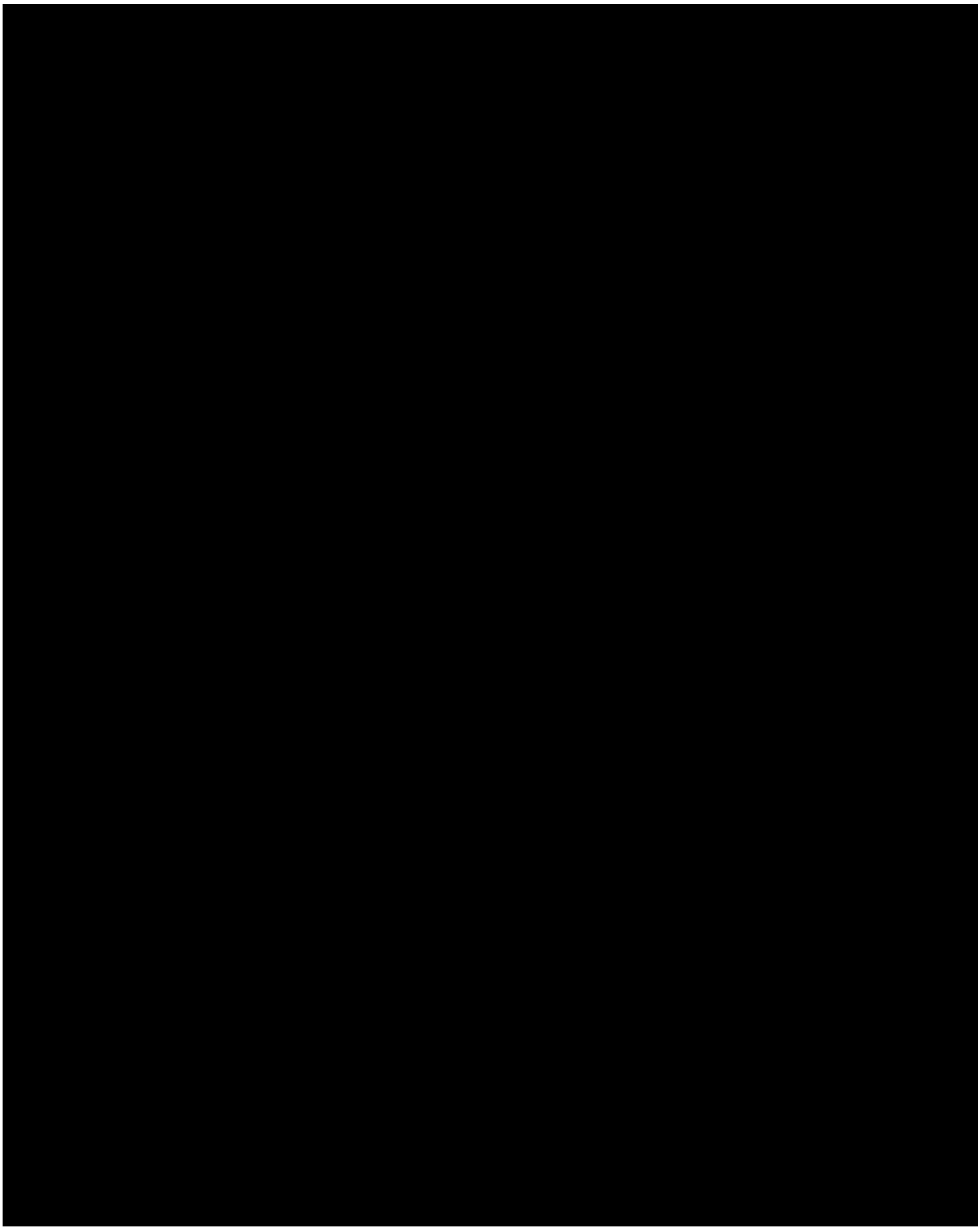

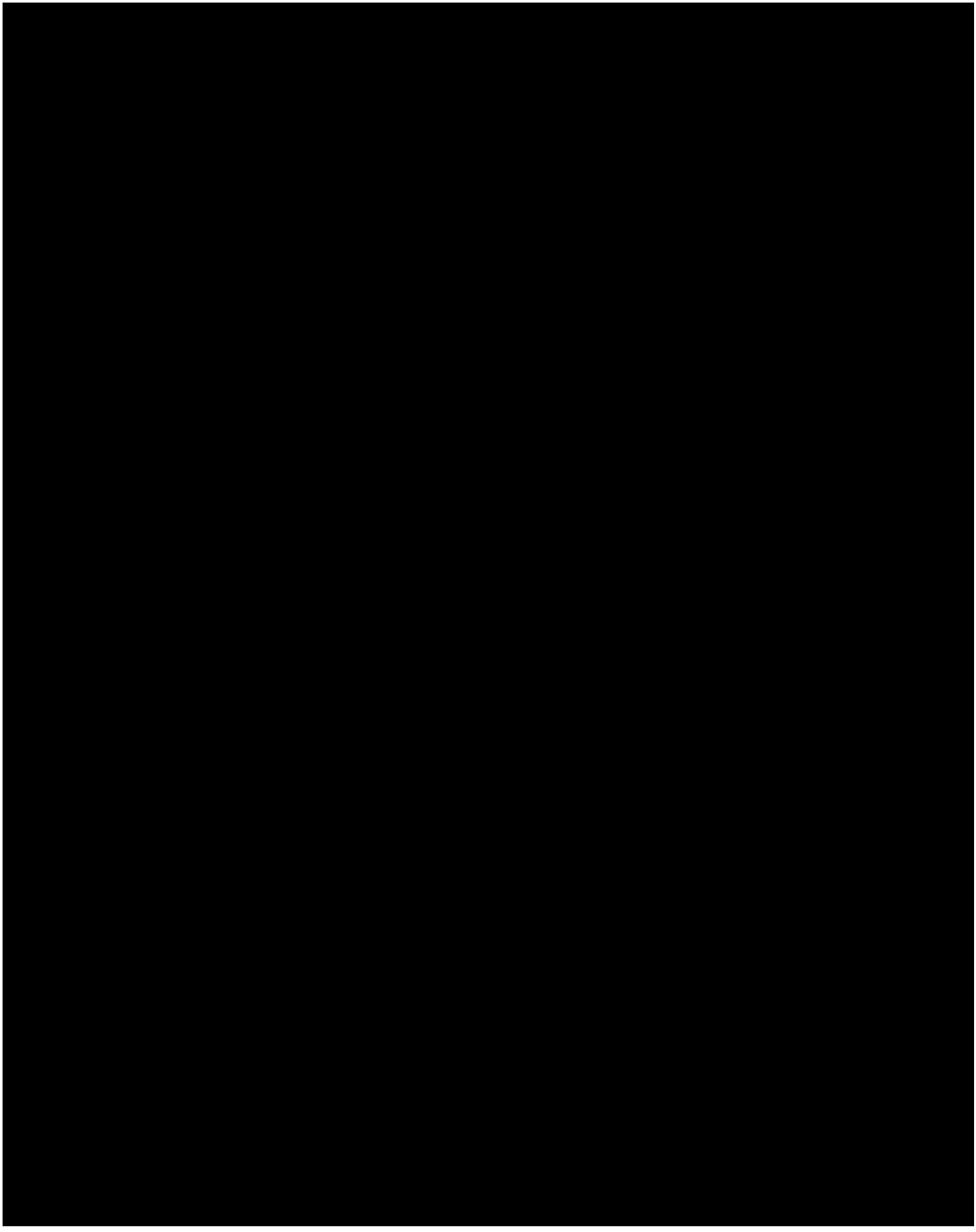

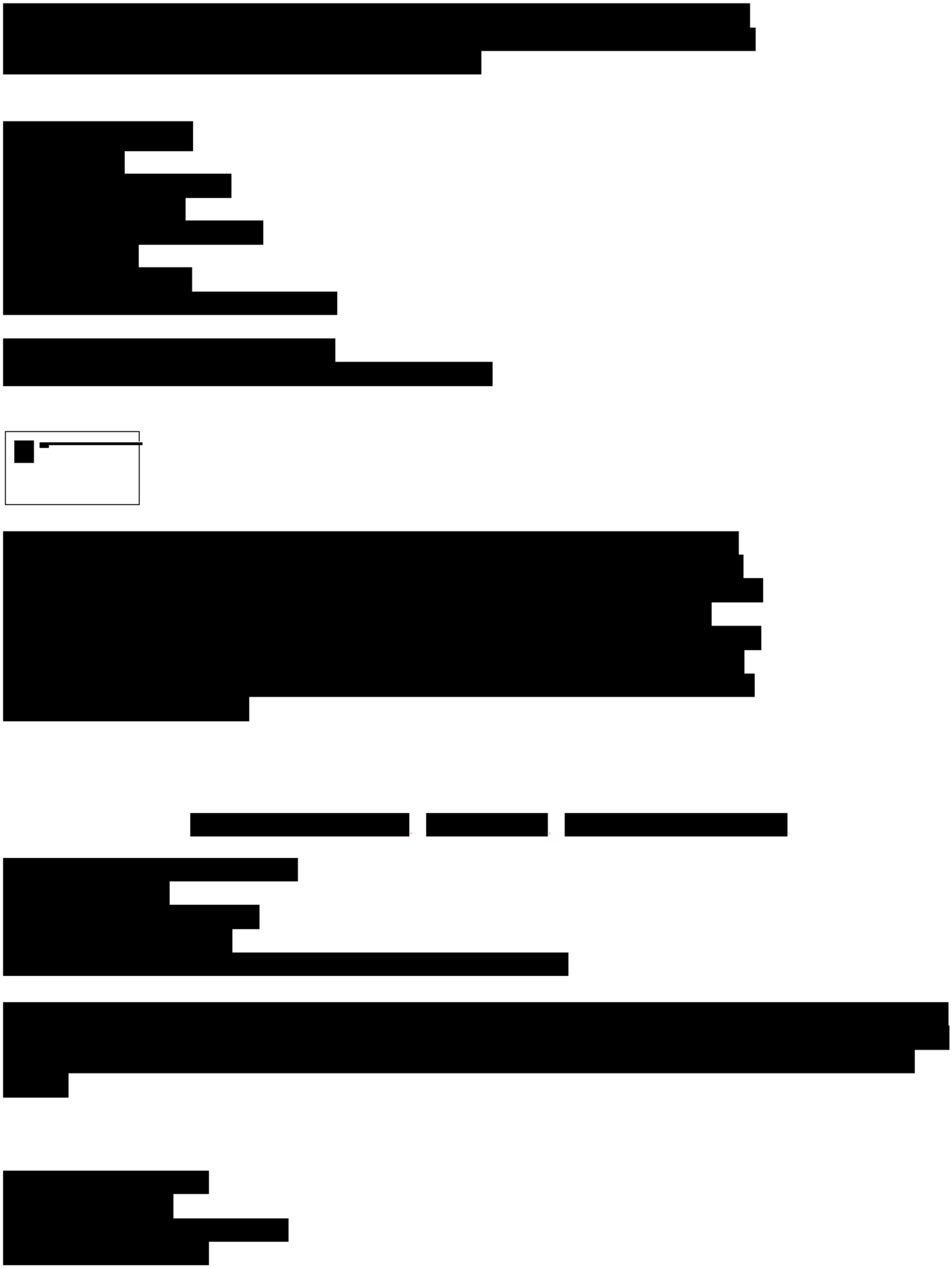

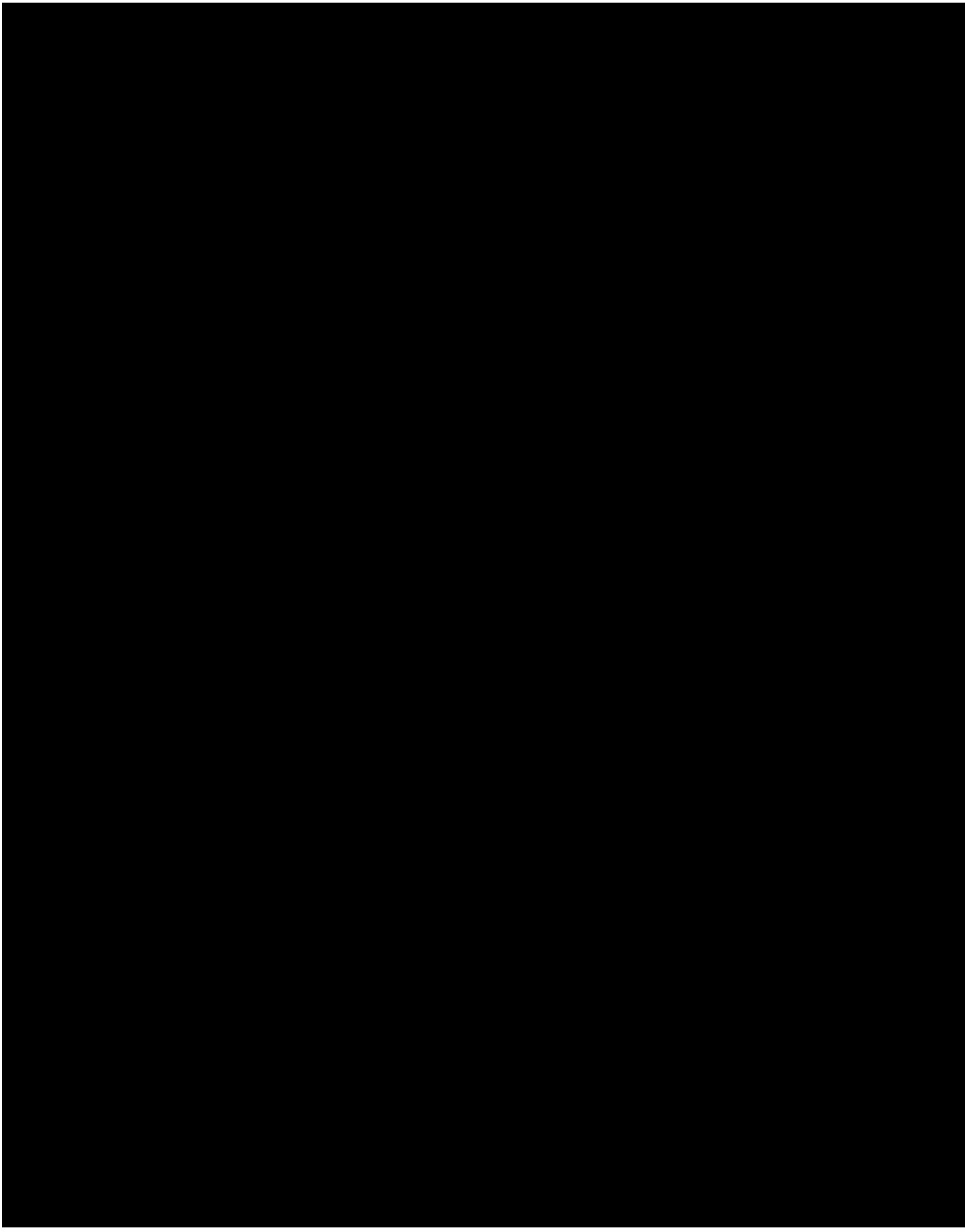

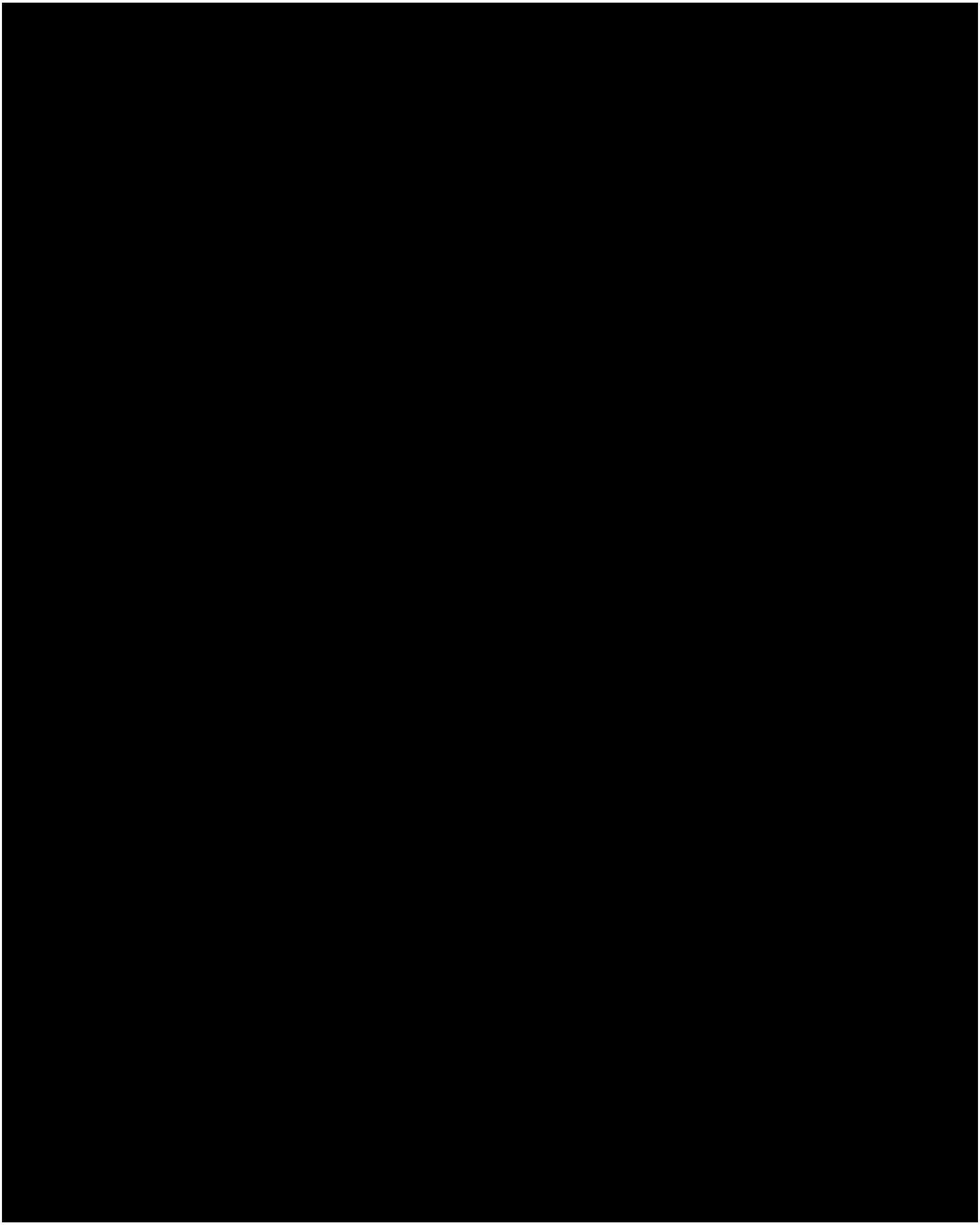

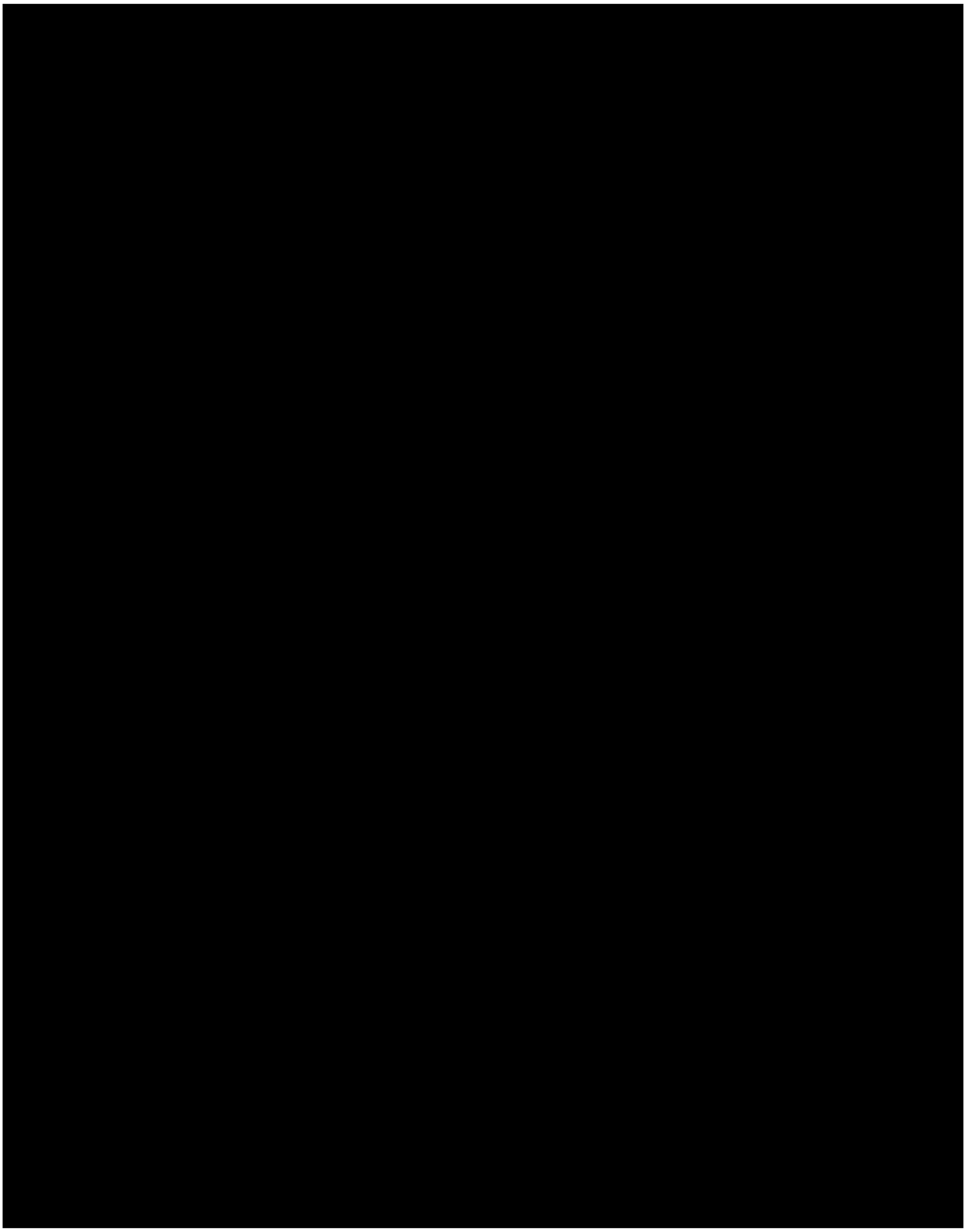

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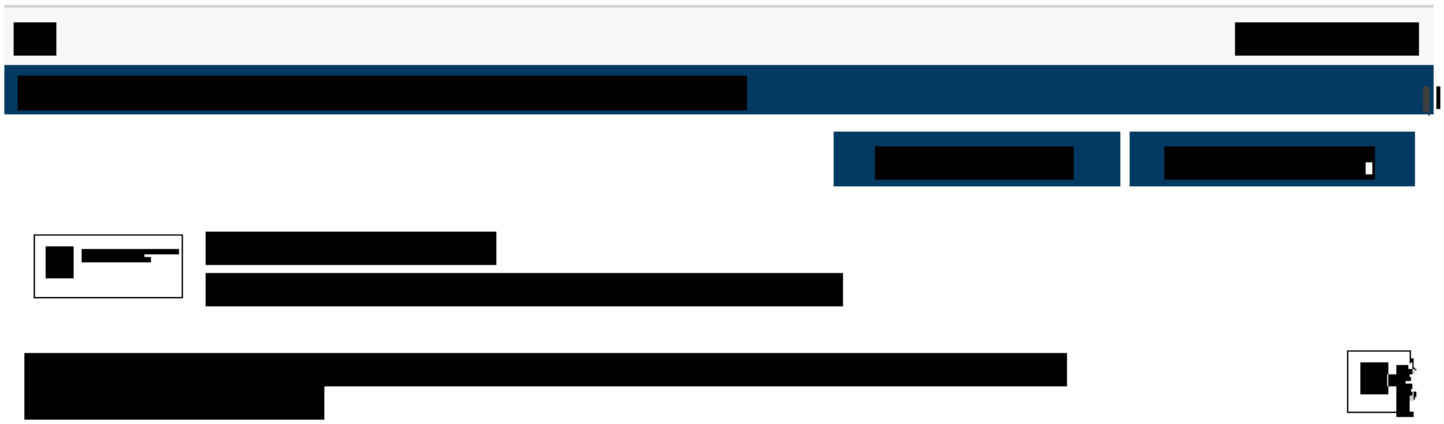

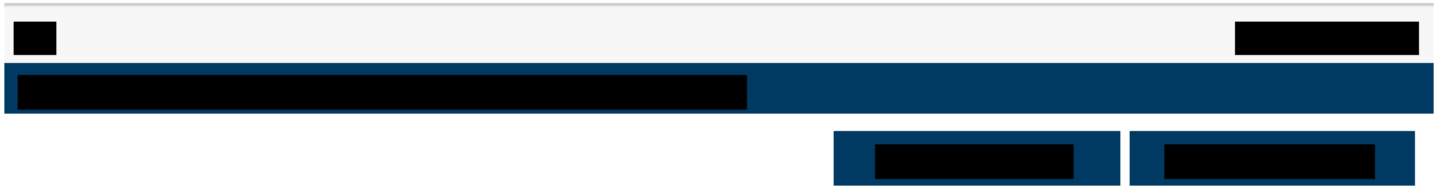

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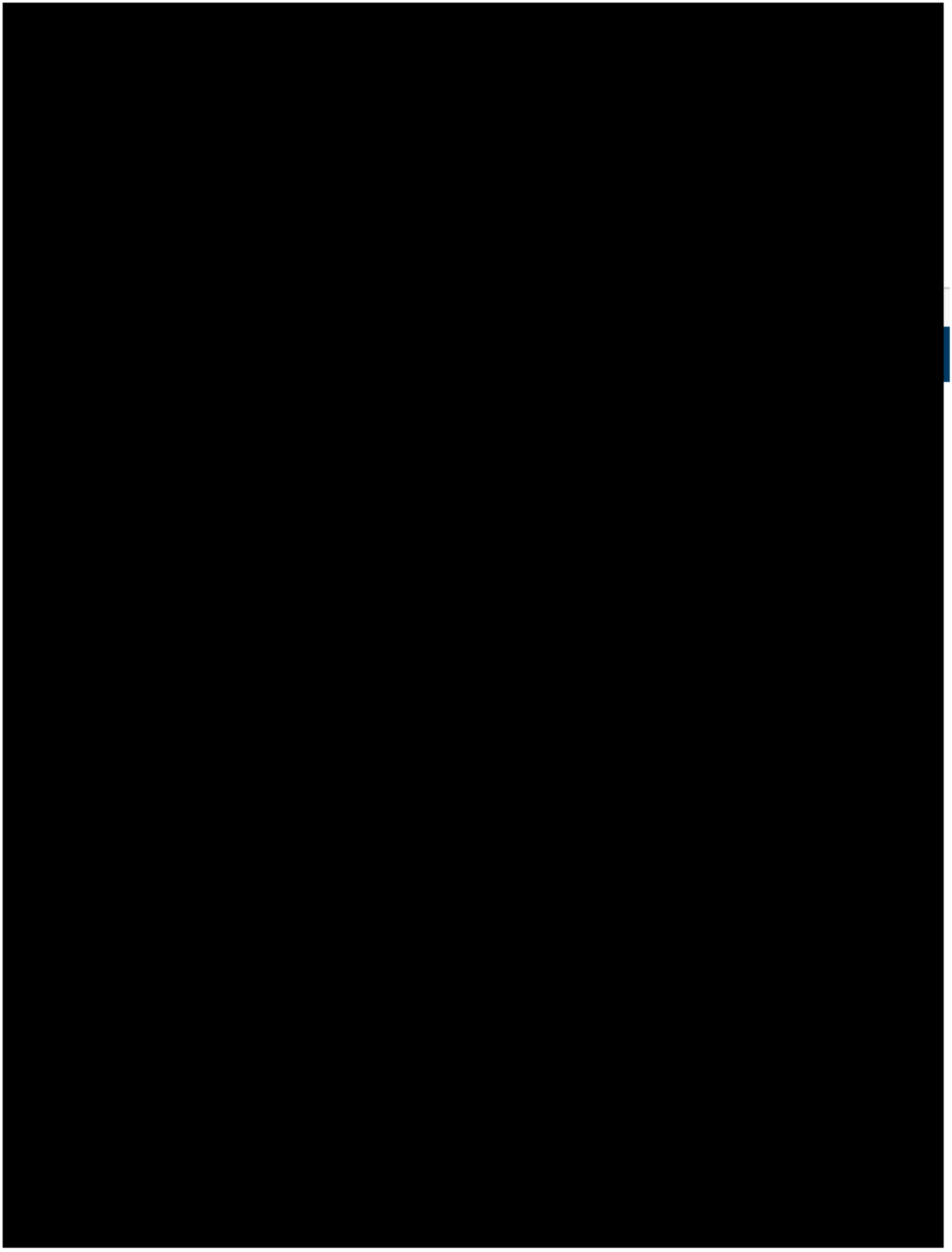



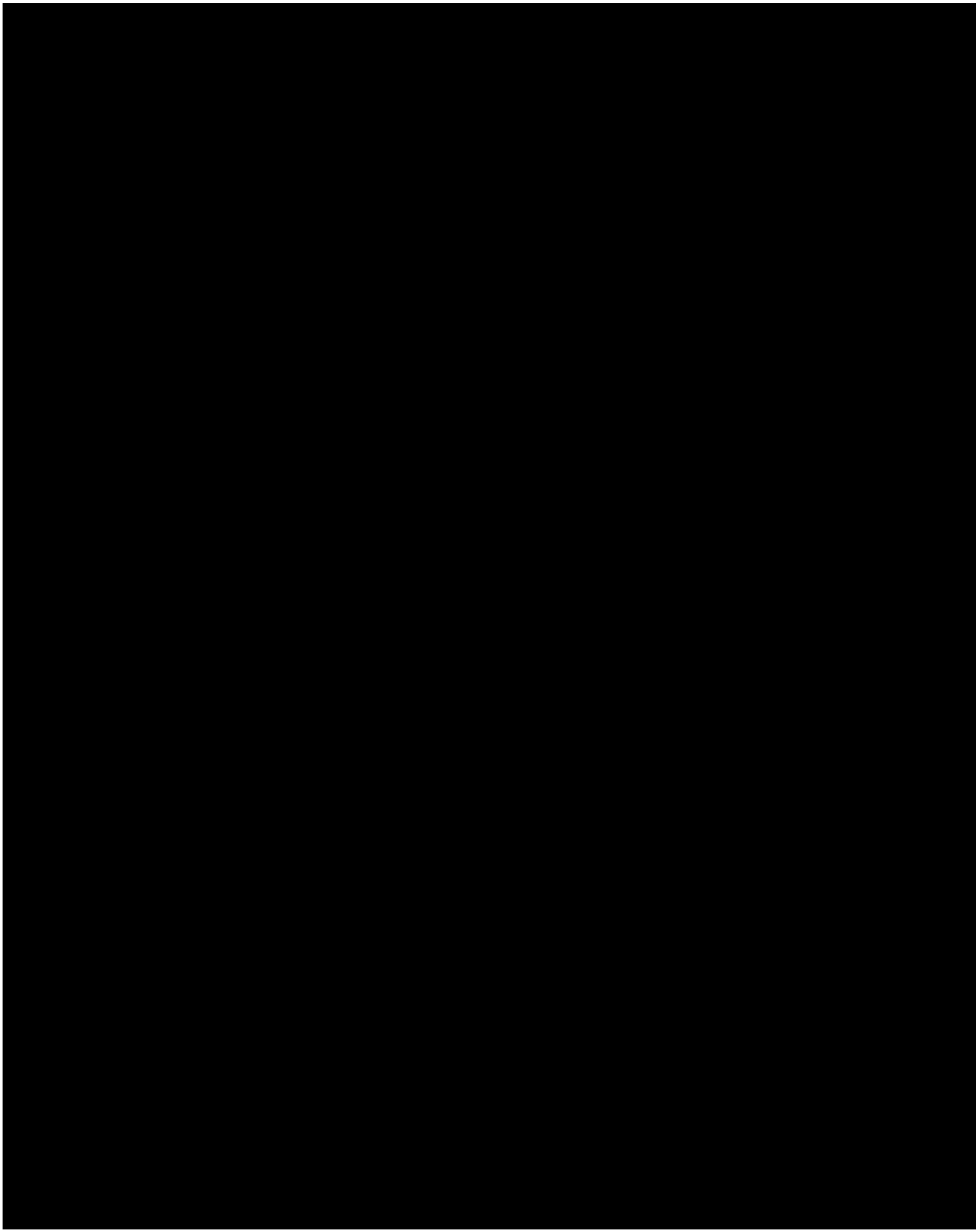

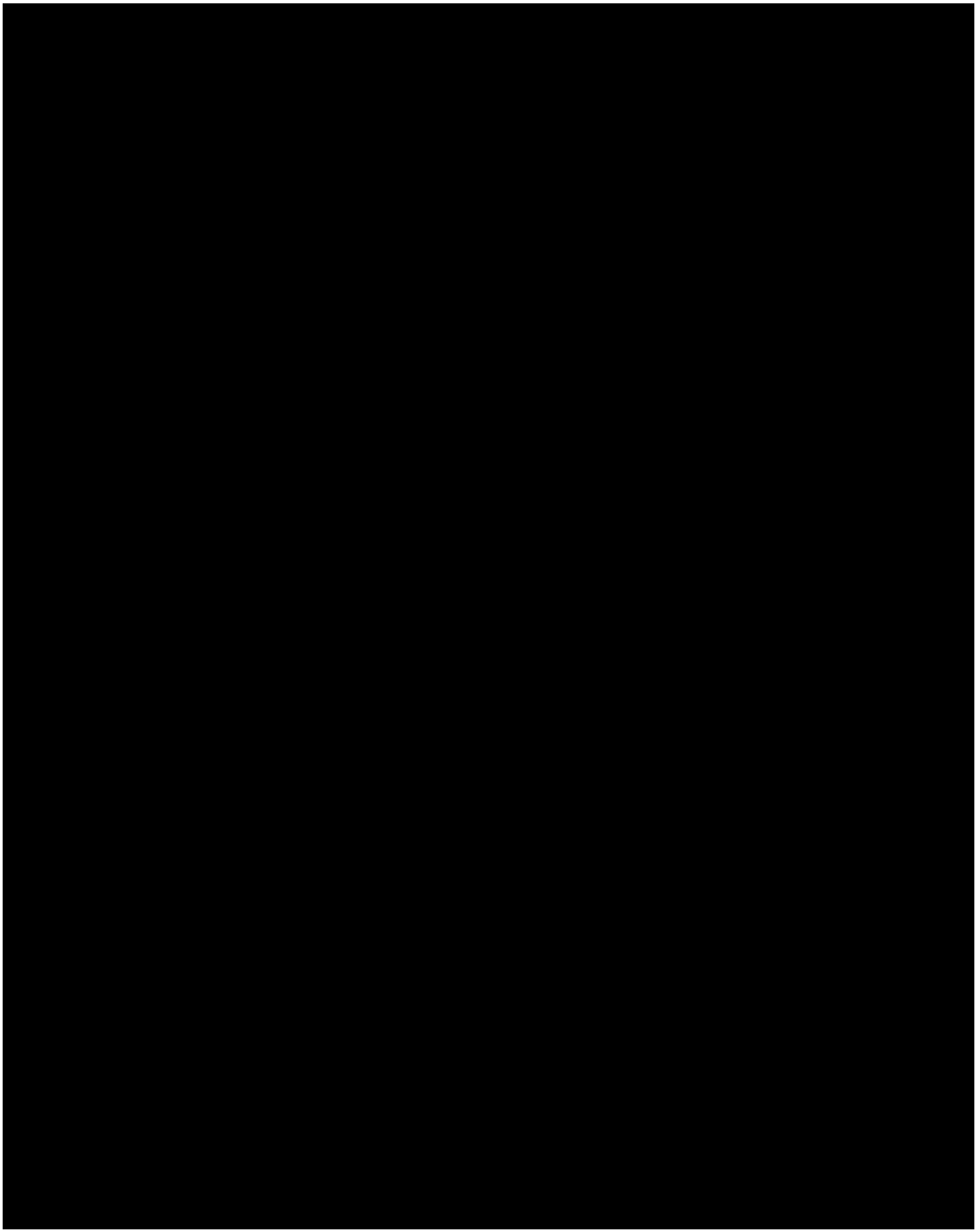

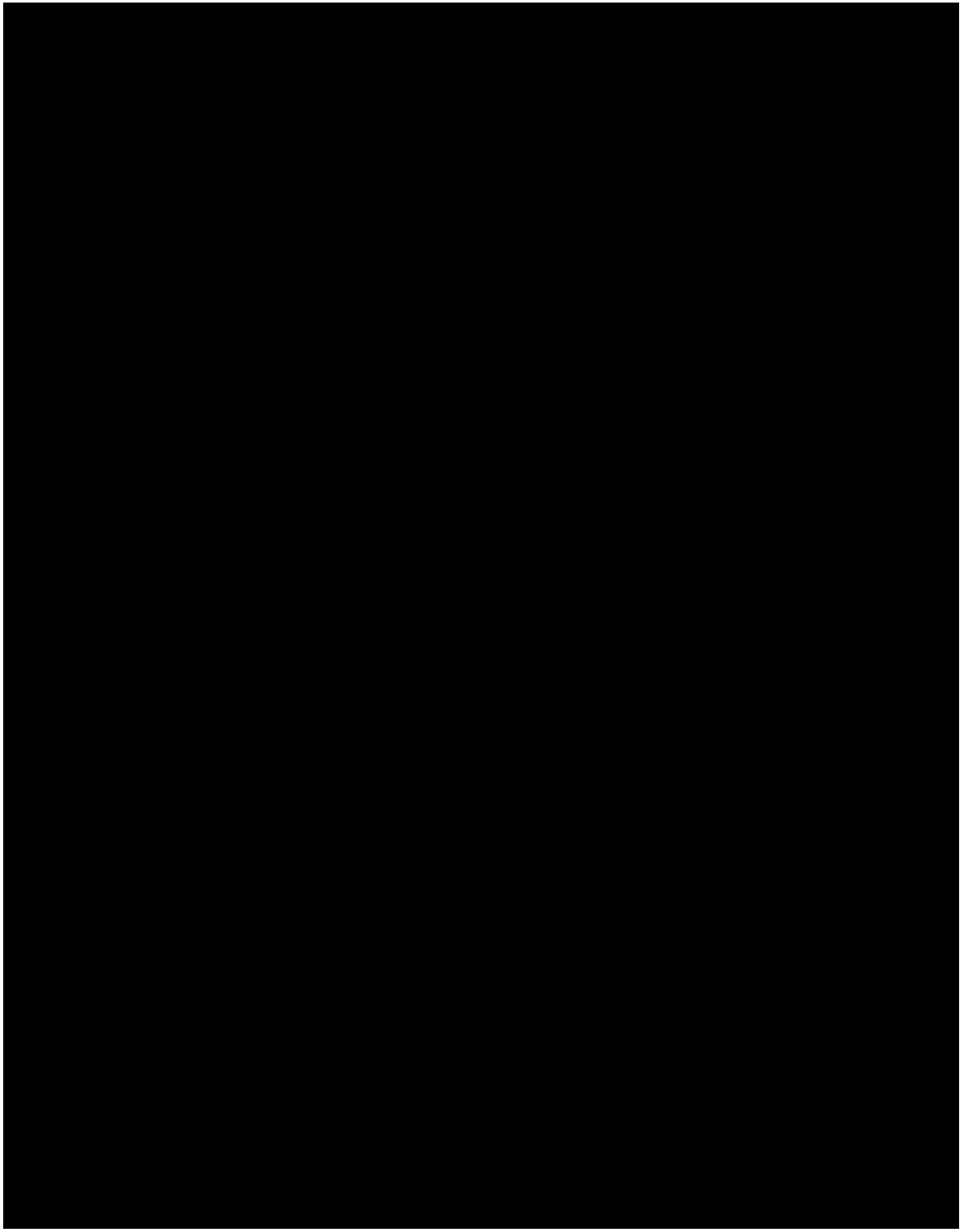

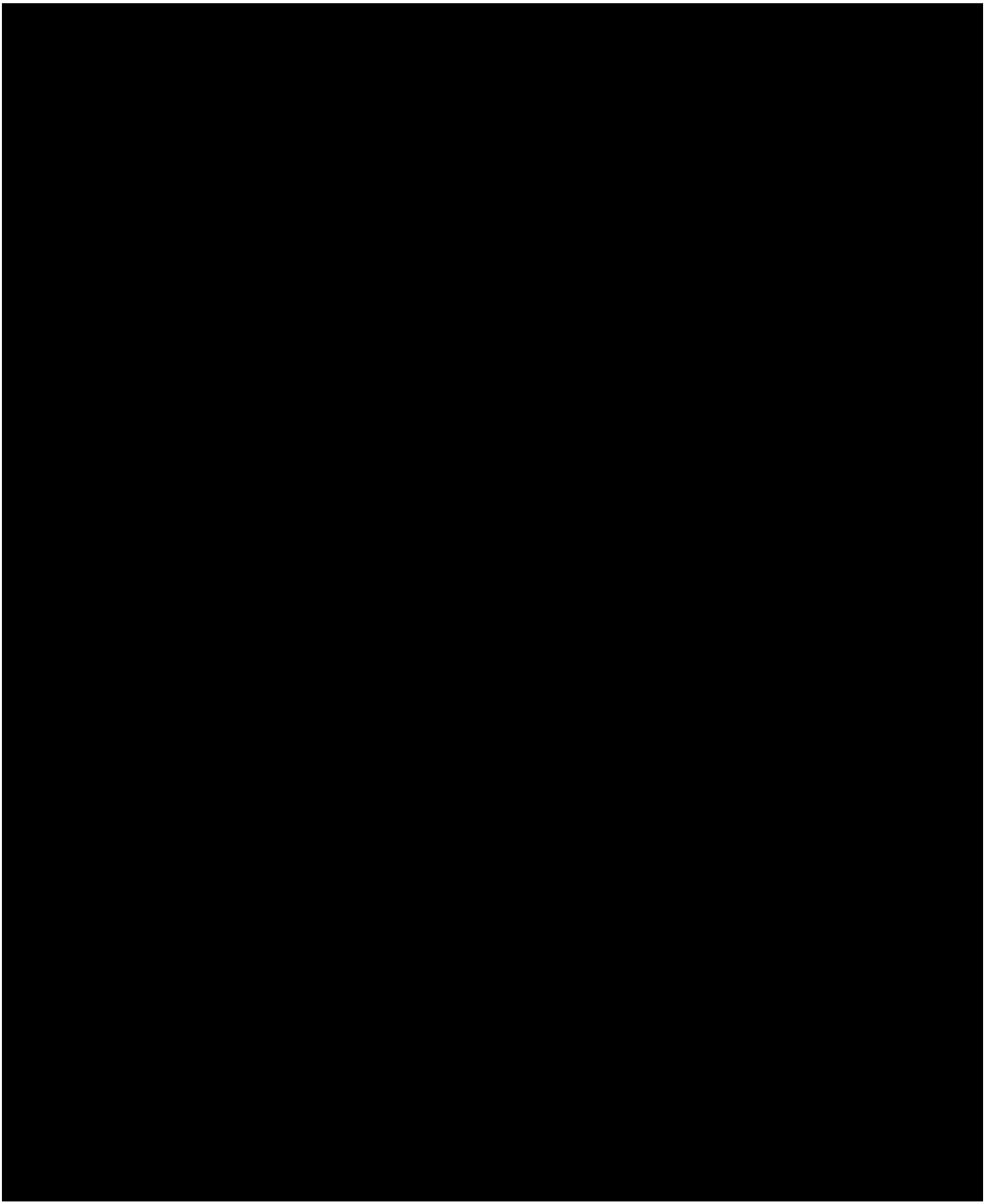

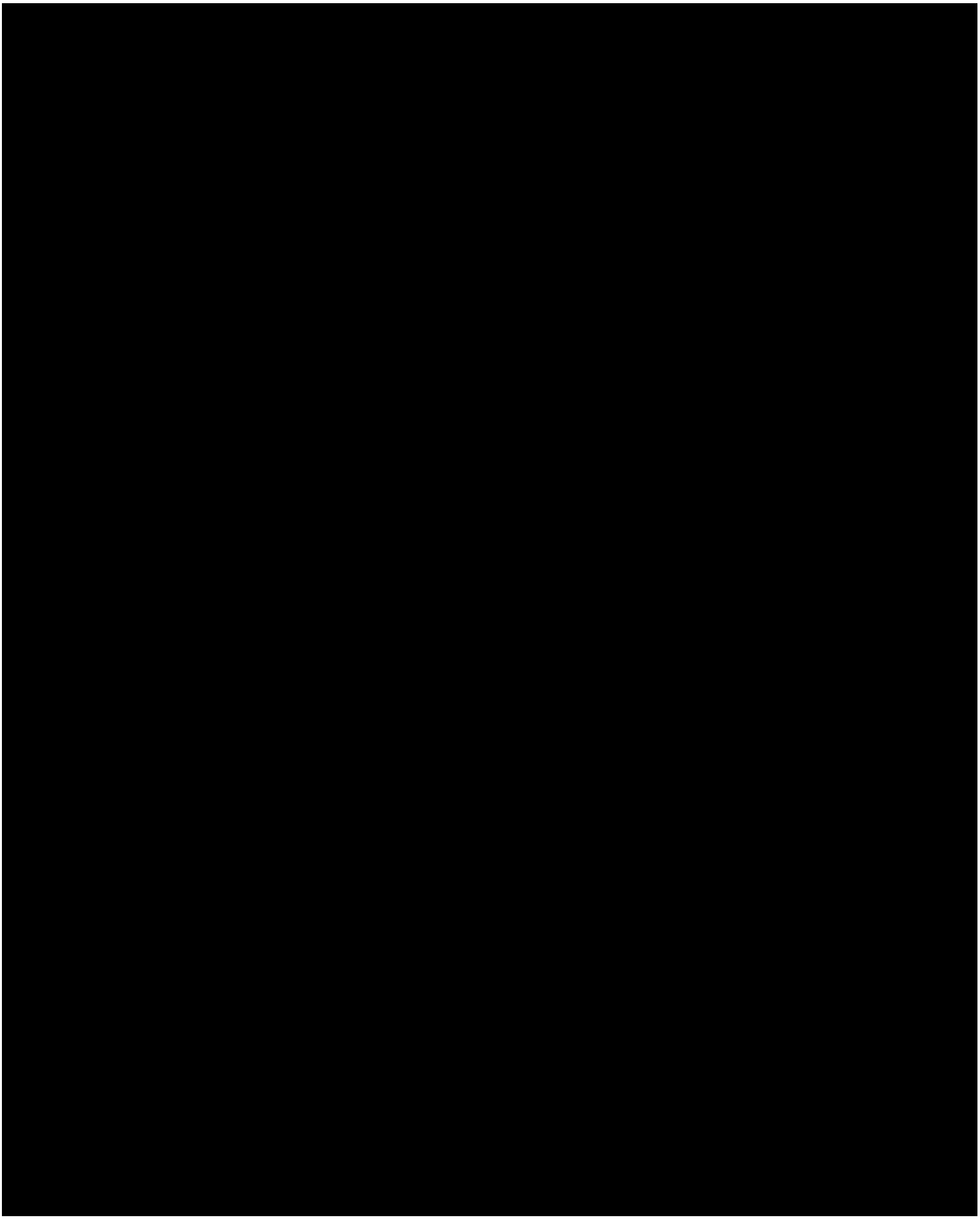

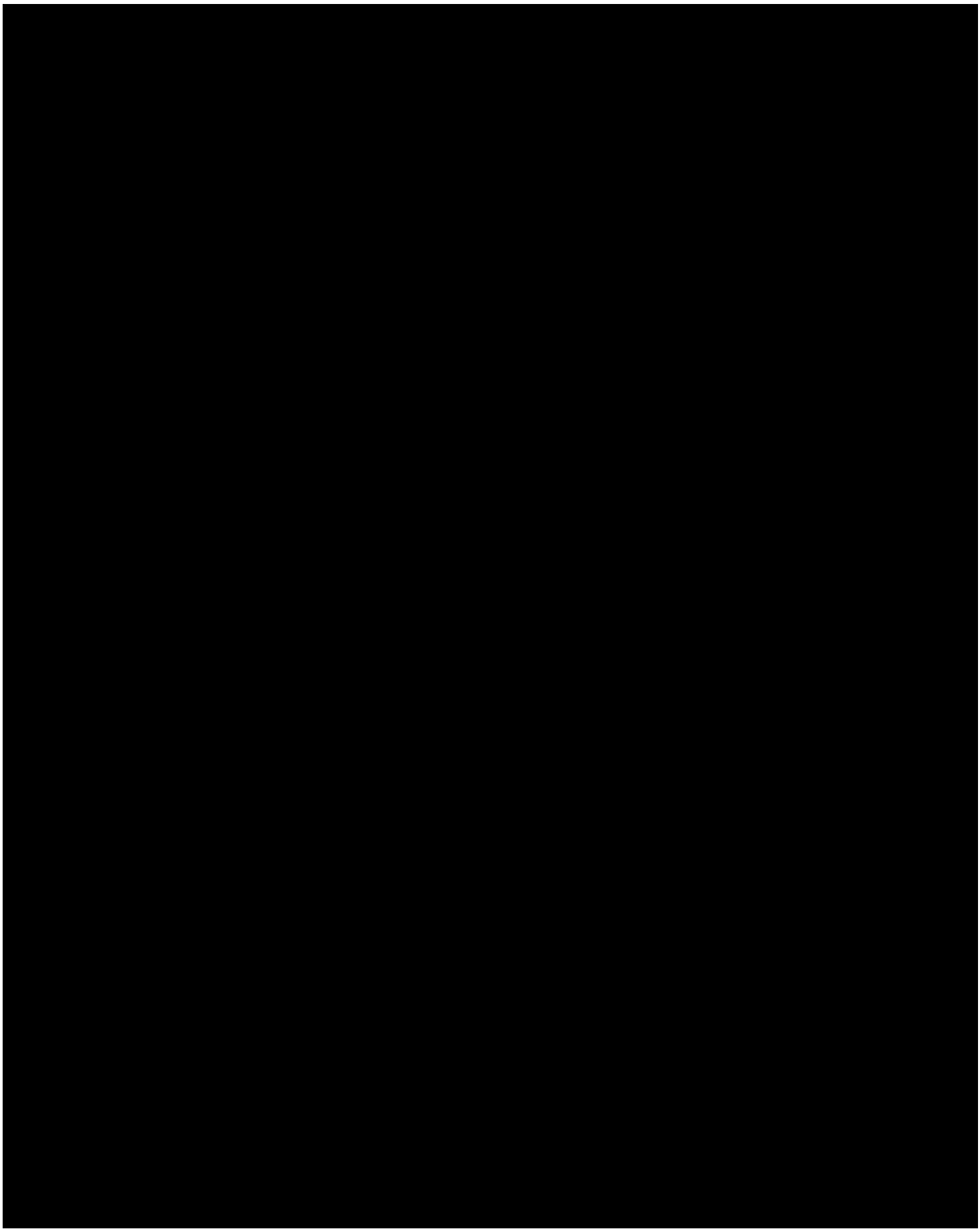



From: National Association of School Nurses <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, March 14, 2023 8:17 AM
To: valerie.elliott@beaufort.k12.sc.us
Subject: NASN All Member Forum Digest for Tuesday March 14, 2023

WARNING: This email originated from outside of Beaufort County School District's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

NASN All Member Forum

Post New Message

Mar 13, 2023

Discussions

Gender Identity

8. Hi Julia, I don't know if this helps, as it... Heather Boyd, RN, BSN
9. Hi Julia, I took a course on here that was... Tracy Chupp, NCSN, RN, BSN
10. Hi Julia, Here are some resources that... Paula Purcell, MEd, BSN, RN, CDDN
11. Hi, this can be tricky, especially in this day... Claire Molner, MEd, NCSN, RN, BS, AASN
12. I teach health with gender inclusive curriculum... Kat Goodell, ADN-RN, ASN
13. Hi there, I found it really helpful to... Suzanne Seldess, MA-Ed

started 3 days ago, Heather DiTrolio, BSN, RN, CVRN-BC (6 replies)











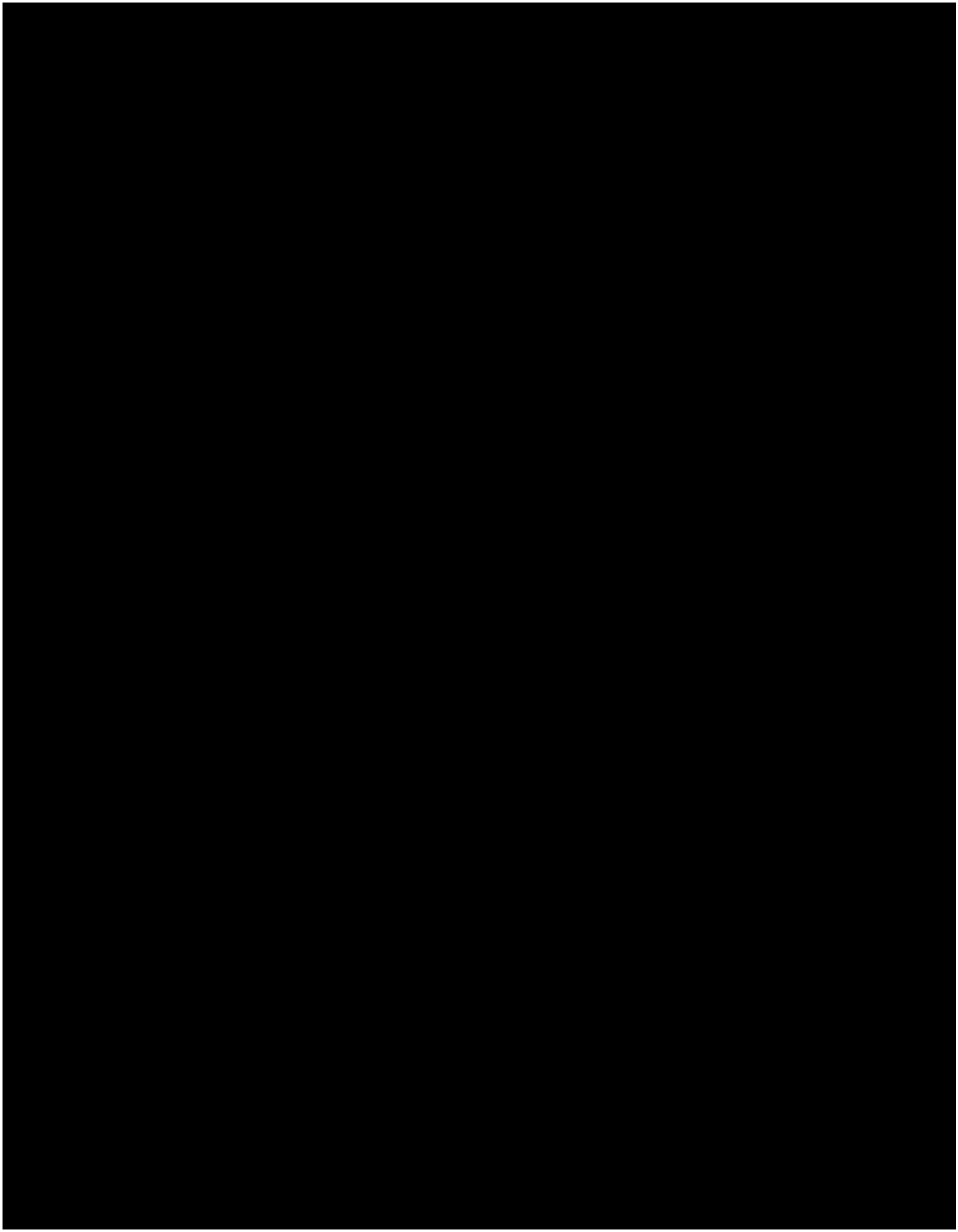

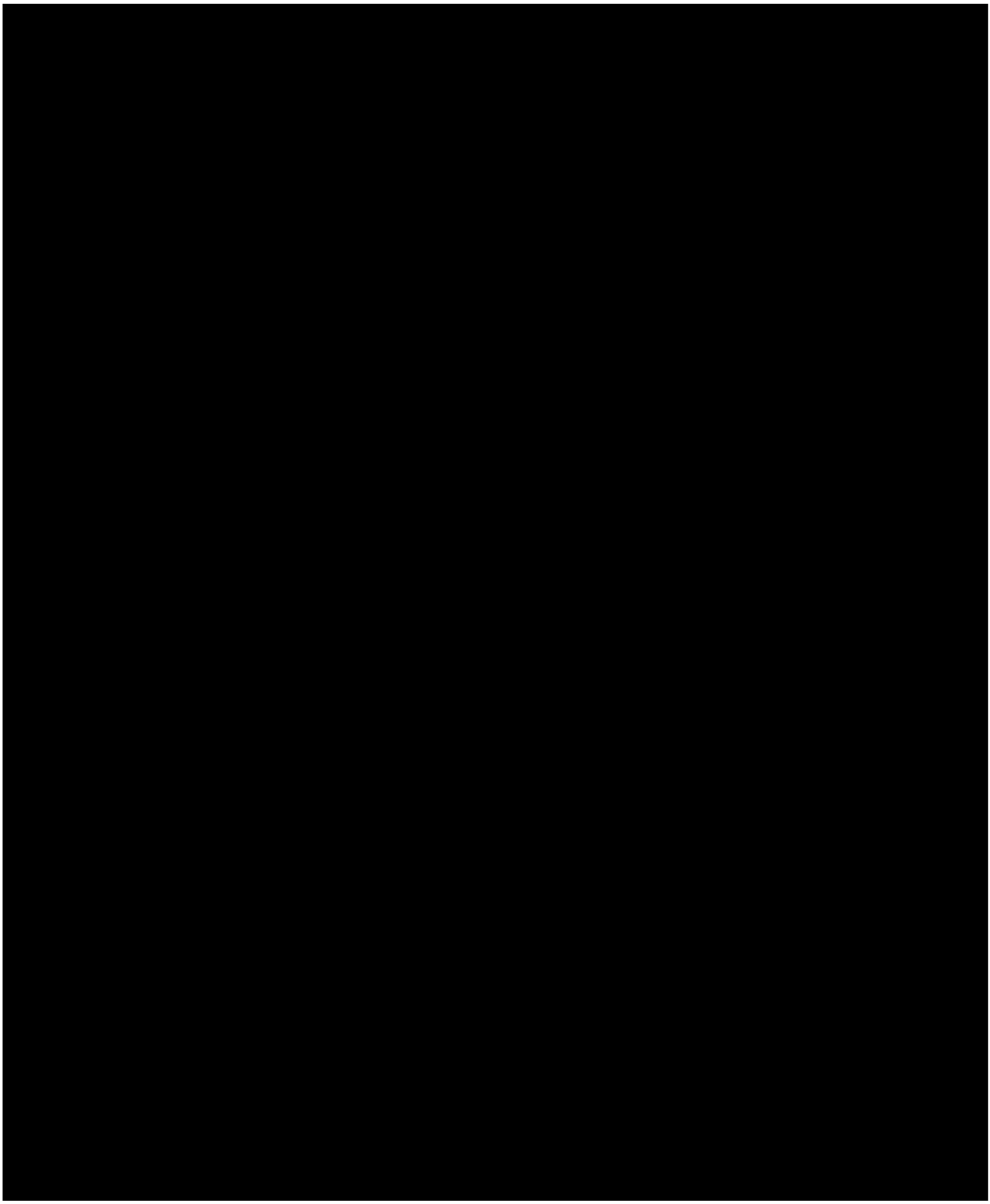

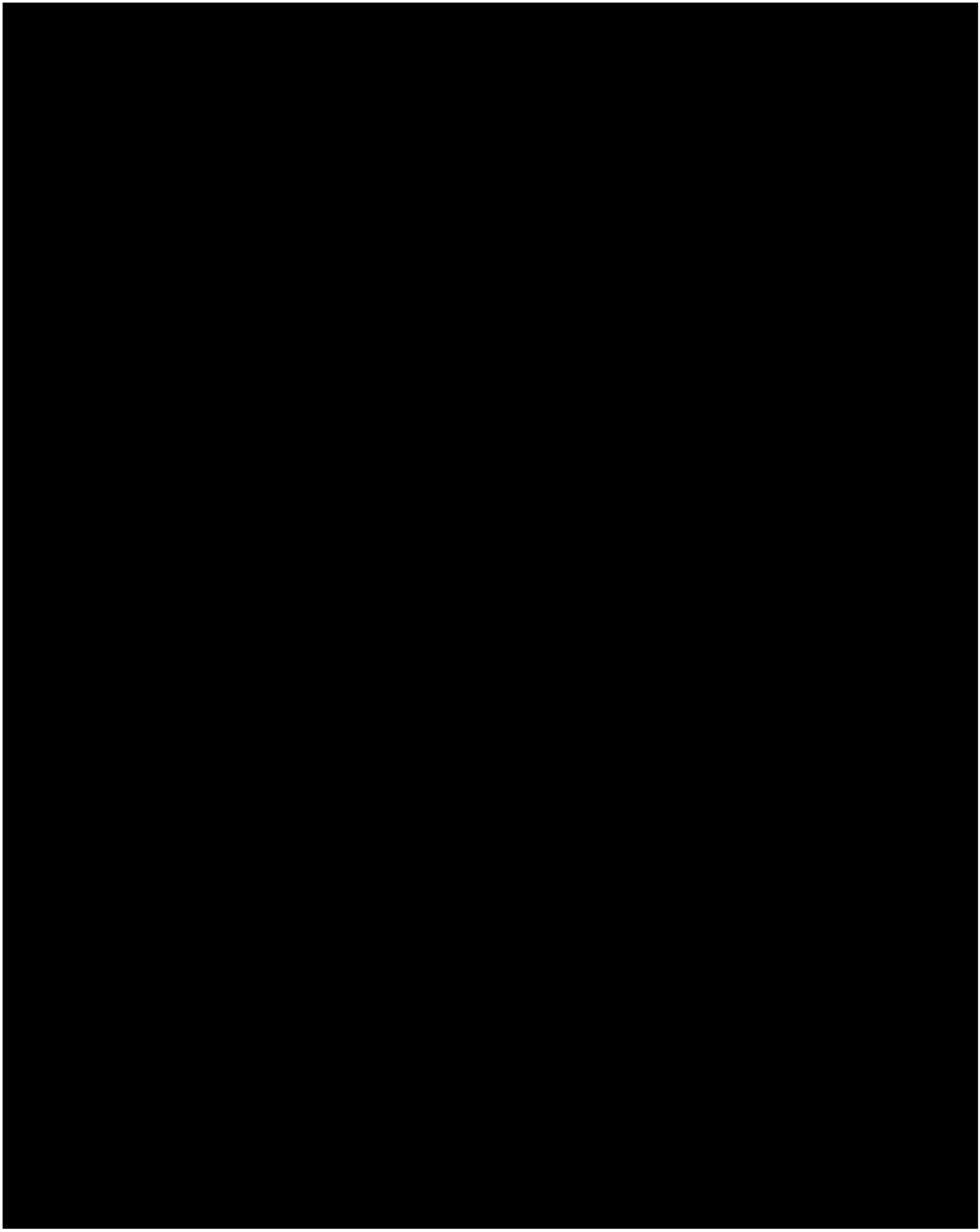

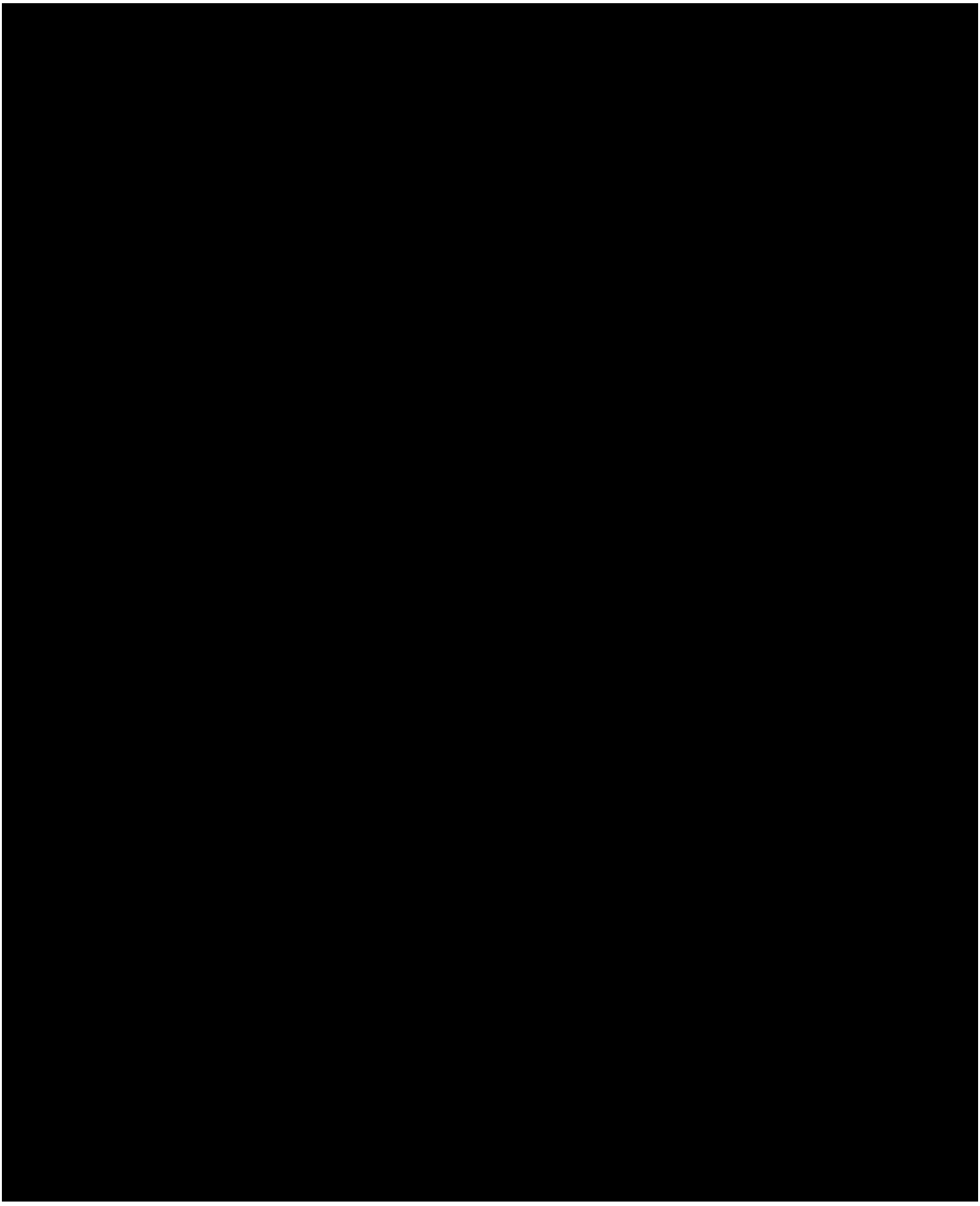

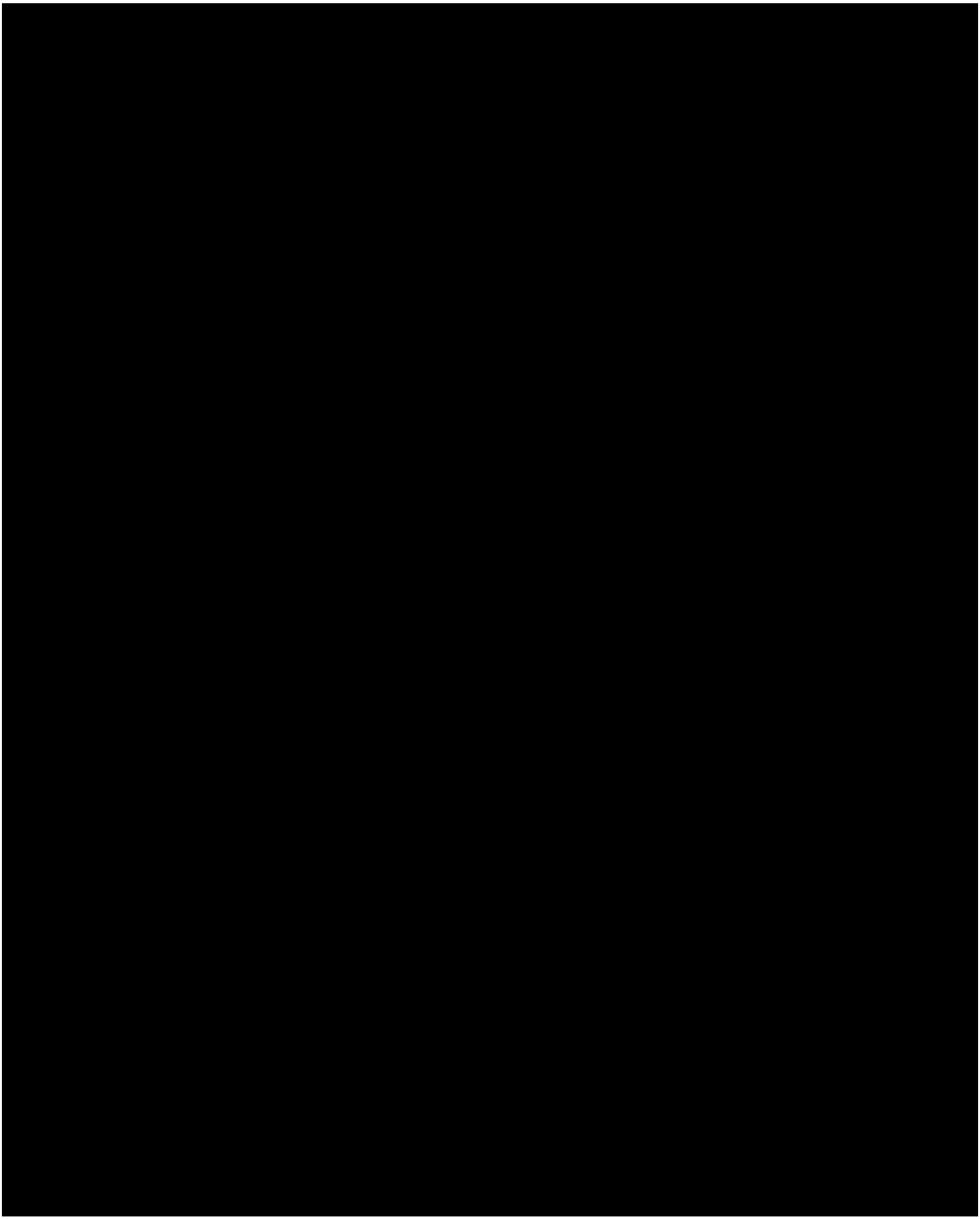

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8. Re: Gender Identity

Reply to Group Reply to Sender

[redacted] Mar 13, 2023 8:24 AM
Heather Boyd, RN, BSN

Hi Julia,

[redacted]

I don't know if this helps, as it is not a specific training, but these are the recommended topics for including sexual health are included in the CDC's HECAT (Health Education Curriculum Analysis Tool). www.cdc.gov/healthyyouth/hecat/pdf/2021/... I found it very helpful in developing the curriculum for our school. What also helped was meeting with the schools in our district and the staff who were teaching HG&D sat together to create the scope and sequence of what would be taught K-8.

Good luck!

Sincerely,

Heather

Heather Boyd RN, BSN
Lincoln Akerman School
Hampton Falls, NH United States

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MA United States
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Mar 13, 2023 8:43 AM
Tracy Chupp, NCSN, RN, BSN



Hi Julia,

I took a course on here that was super helpful!

learn.nasn.org/courses/47755

Good Luck!

Tracy

Tracy Chupp, RN, BSN, NCSN
Southport High School
Indianapolis, Indiana USA

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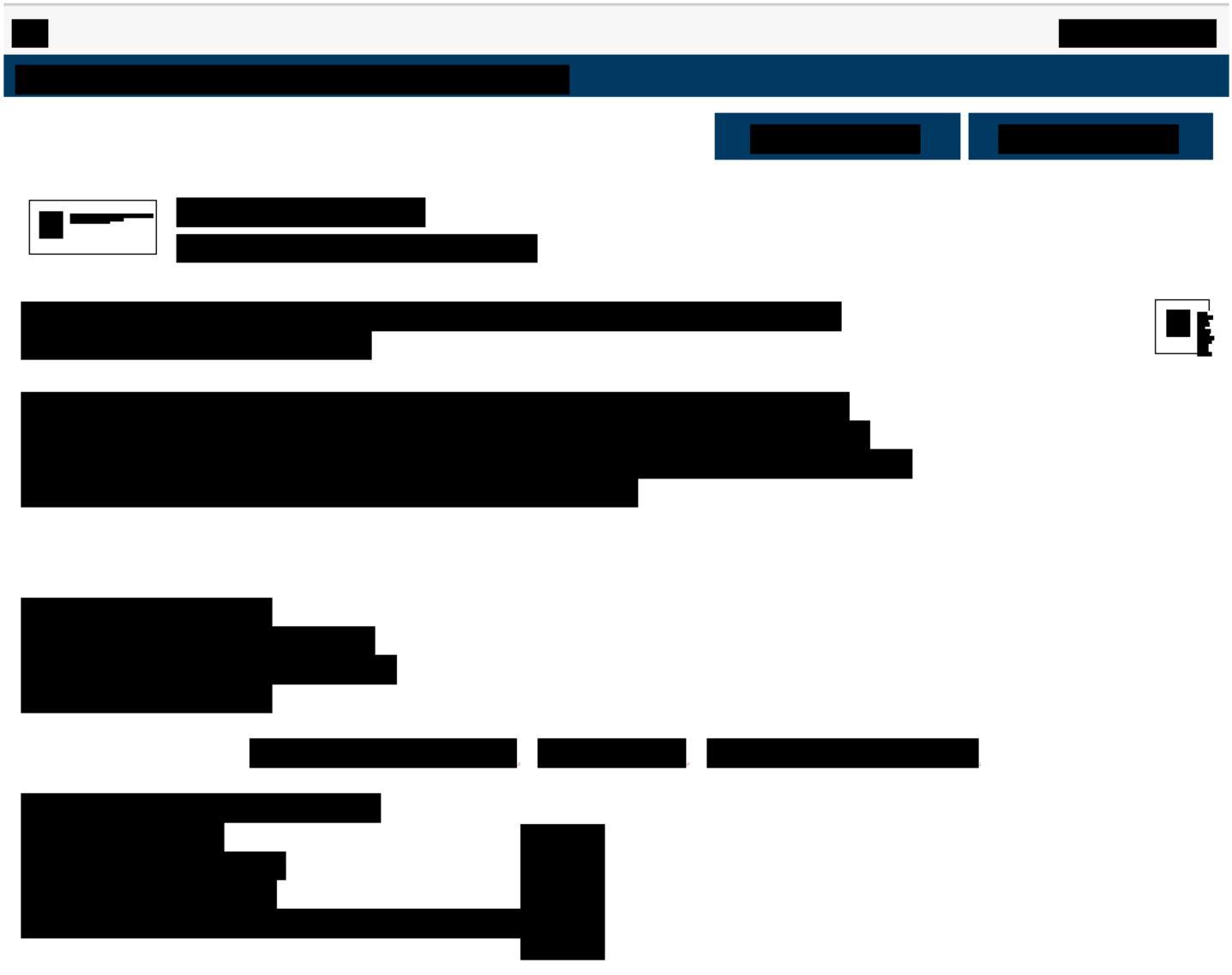



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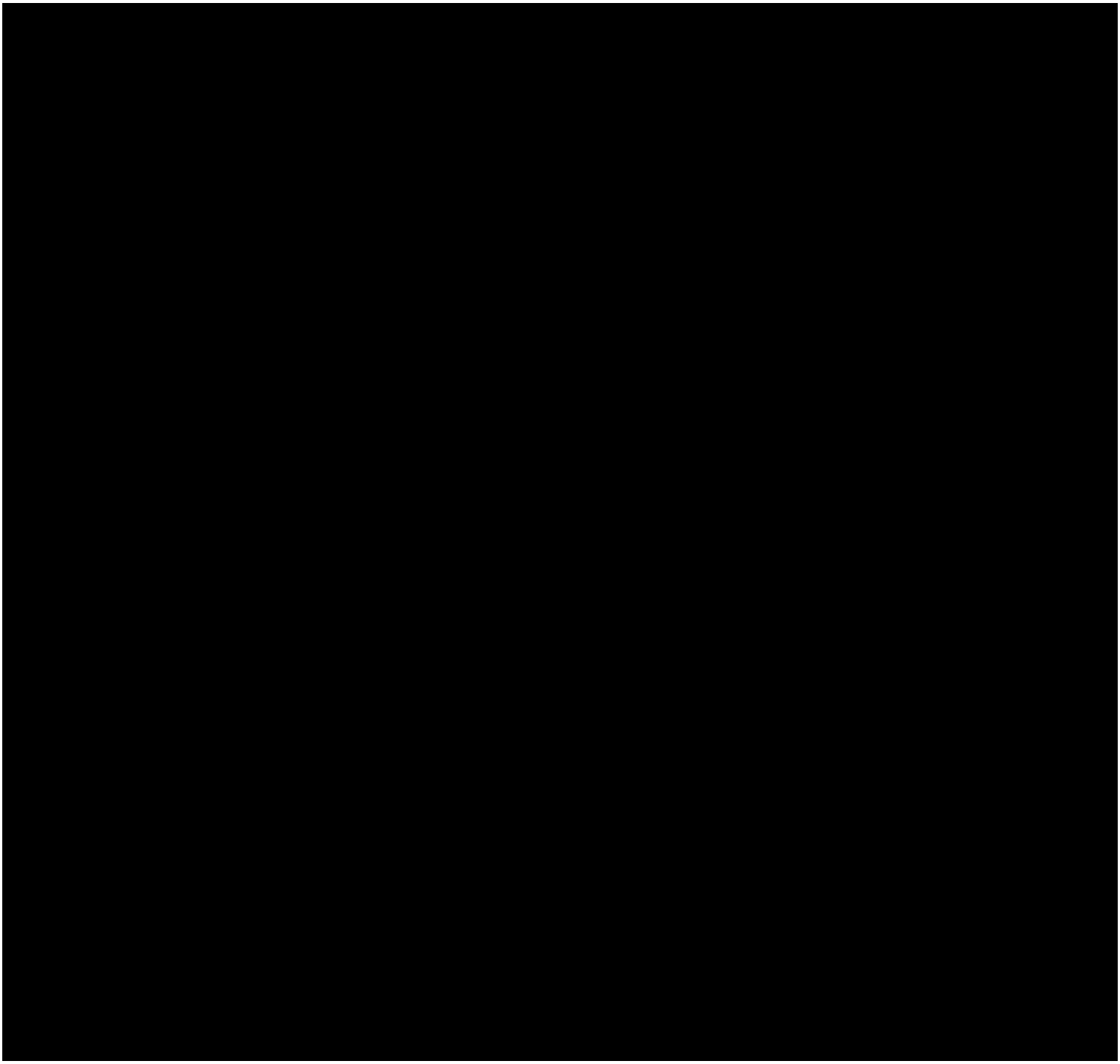





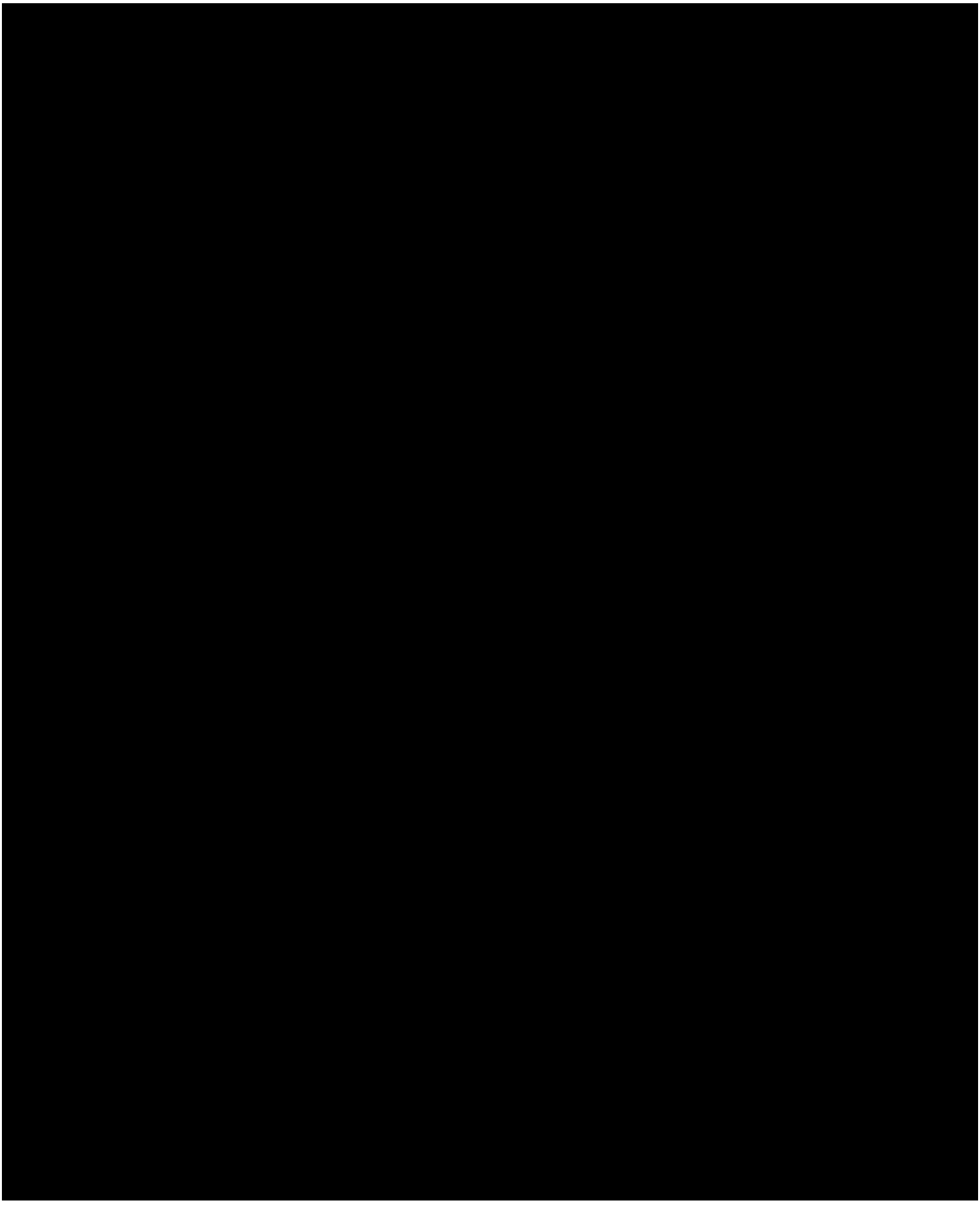

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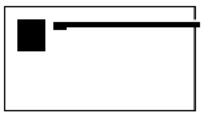

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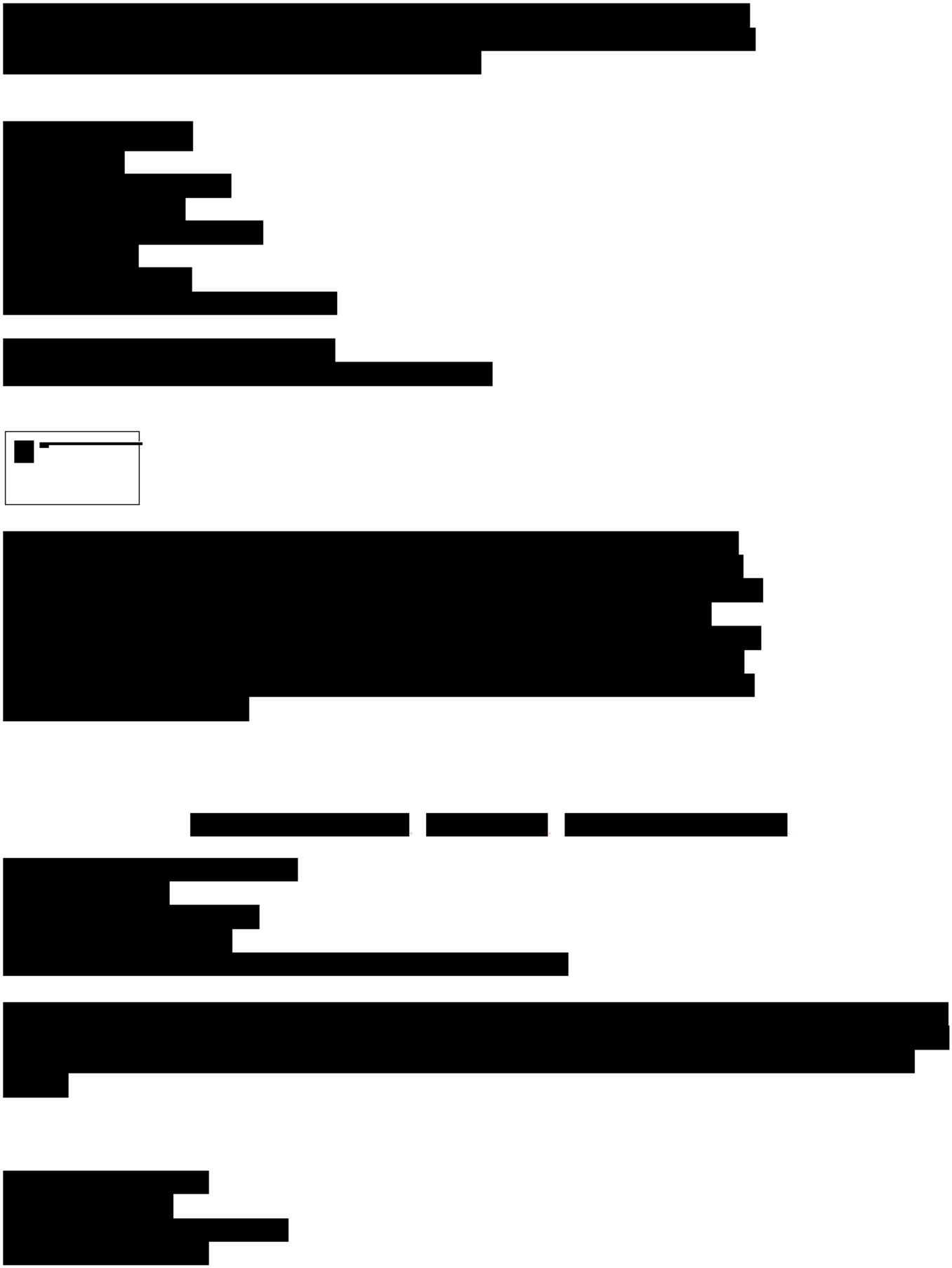

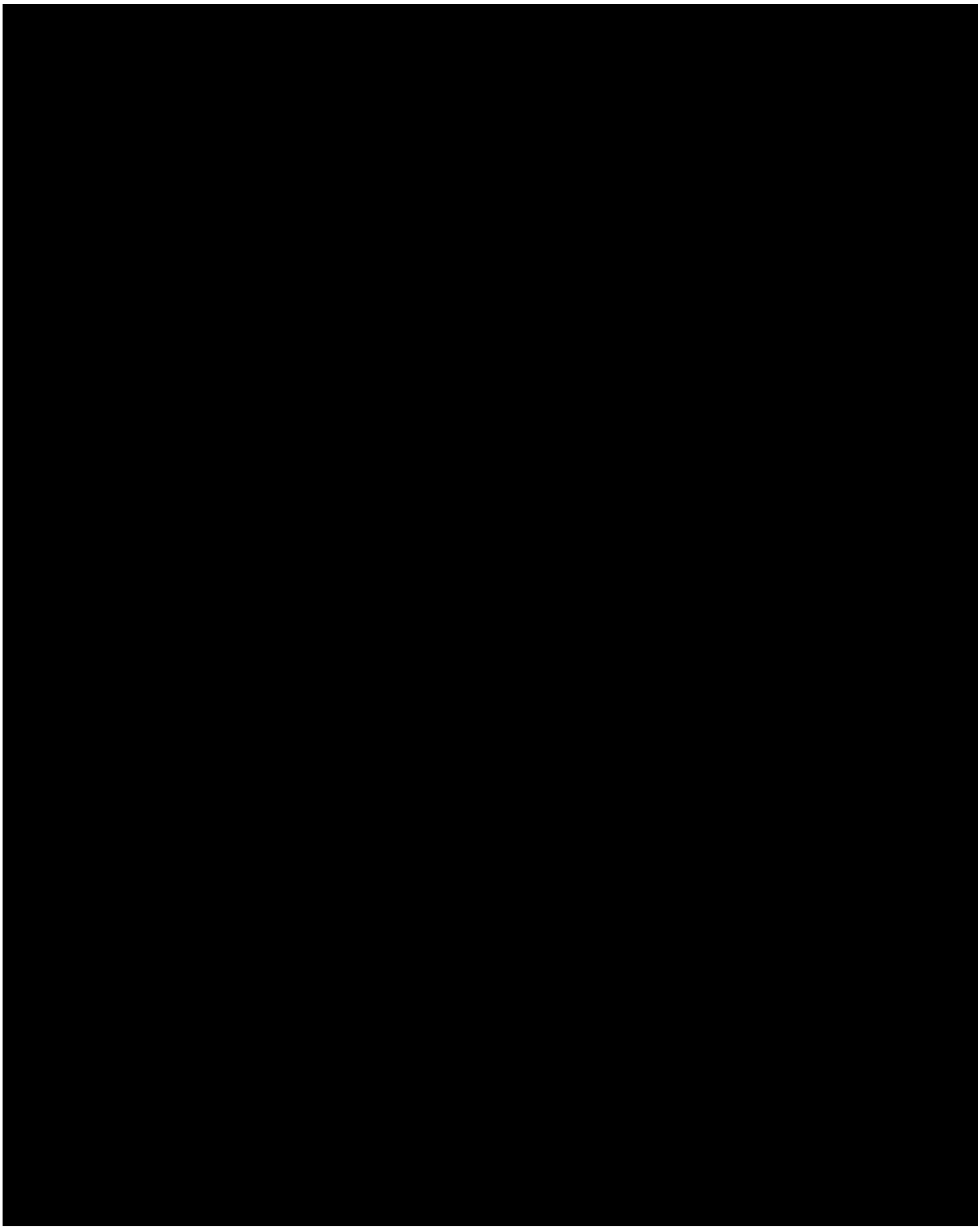



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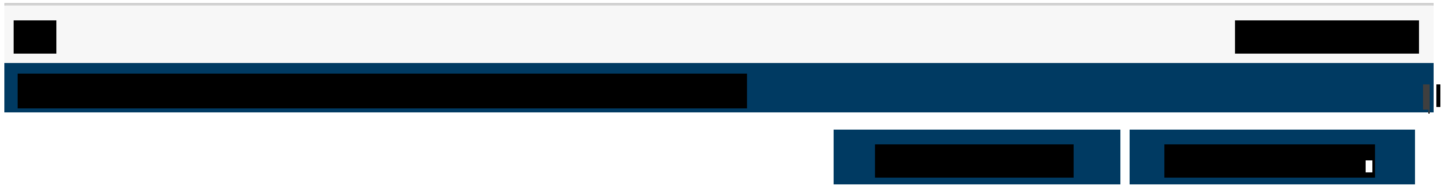

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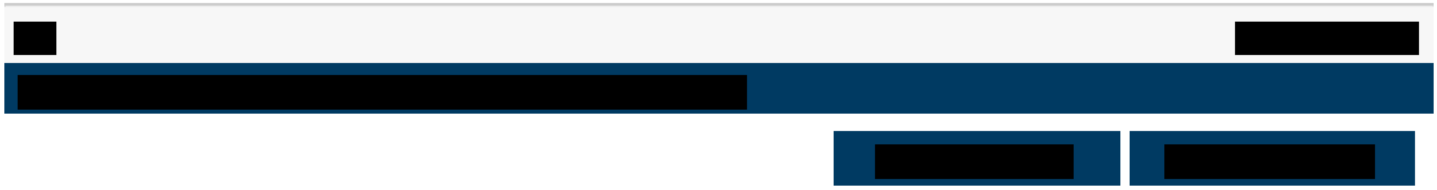

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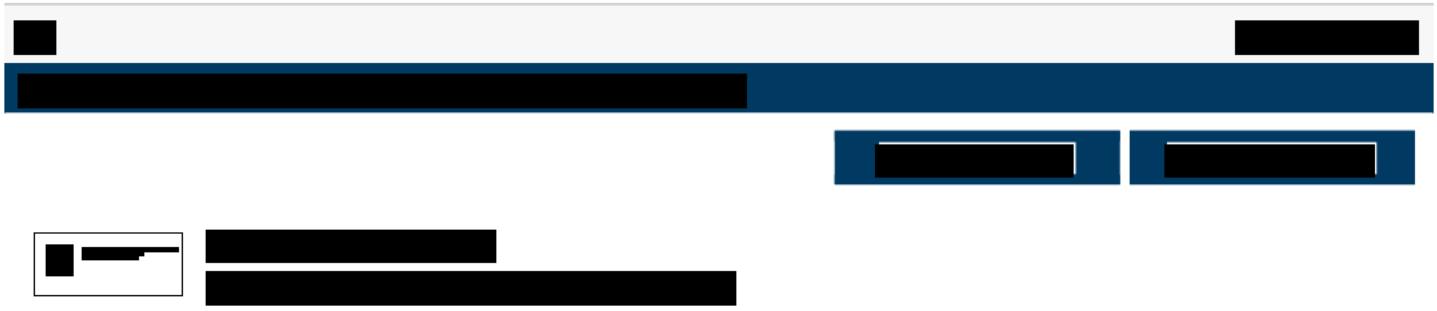

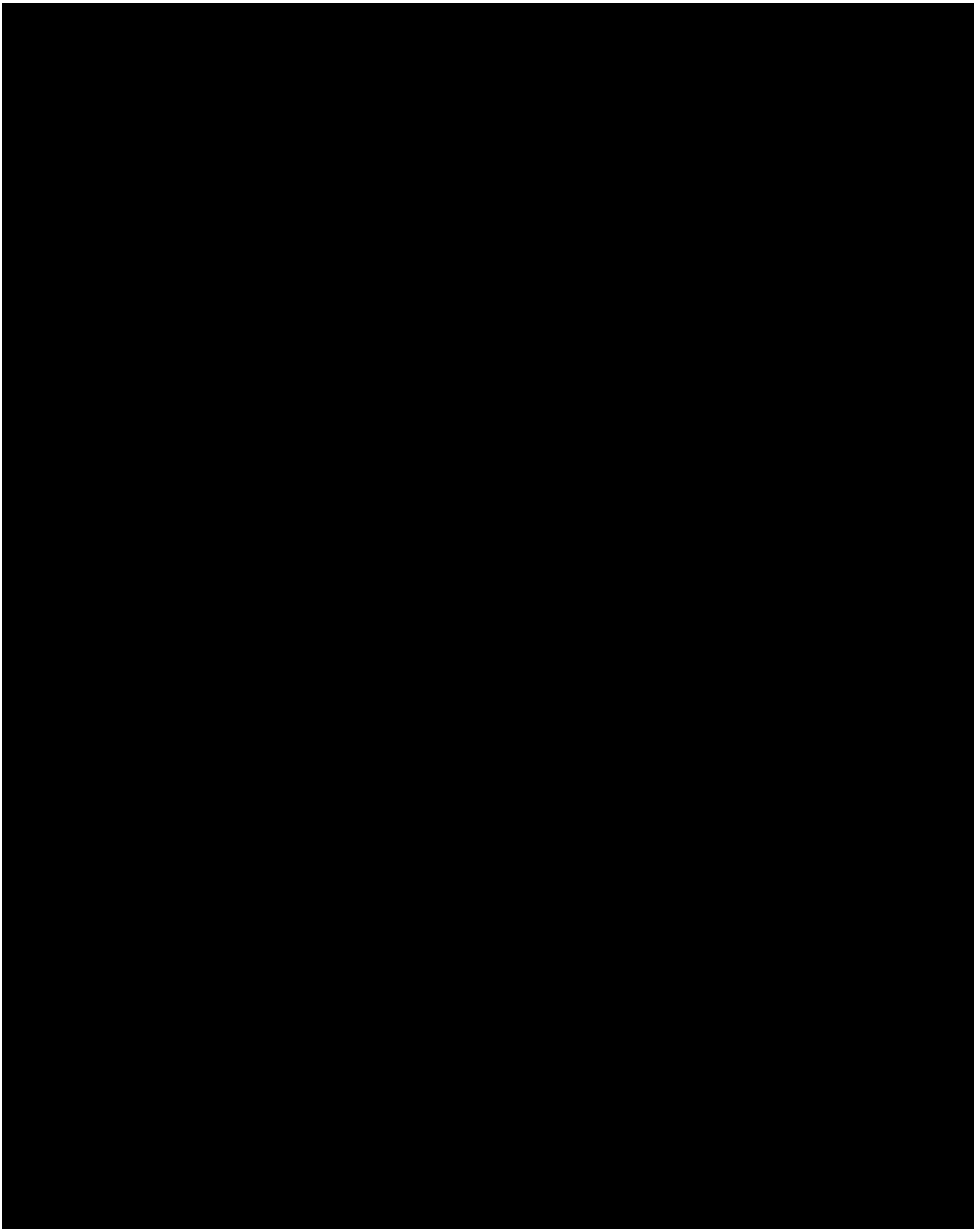

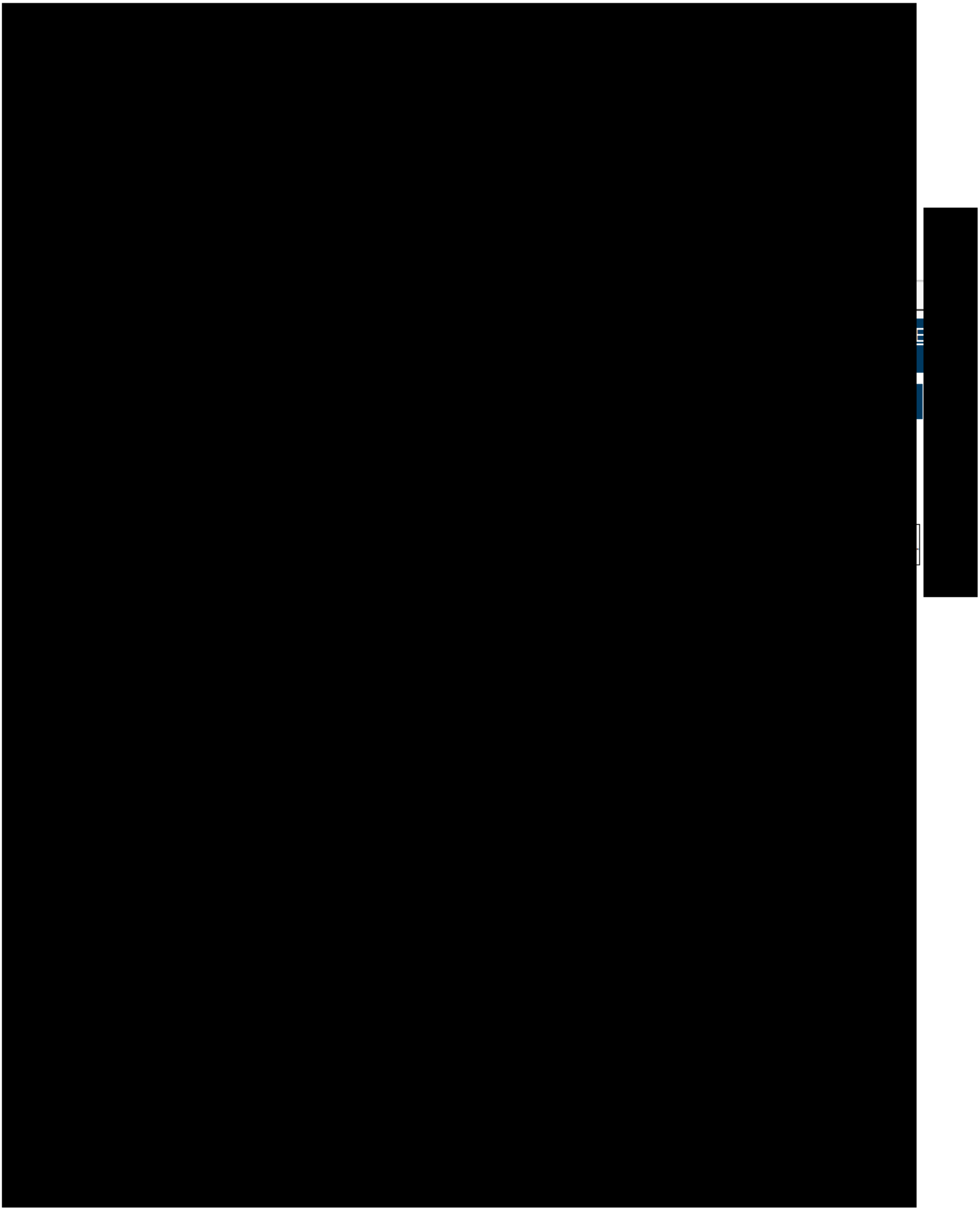

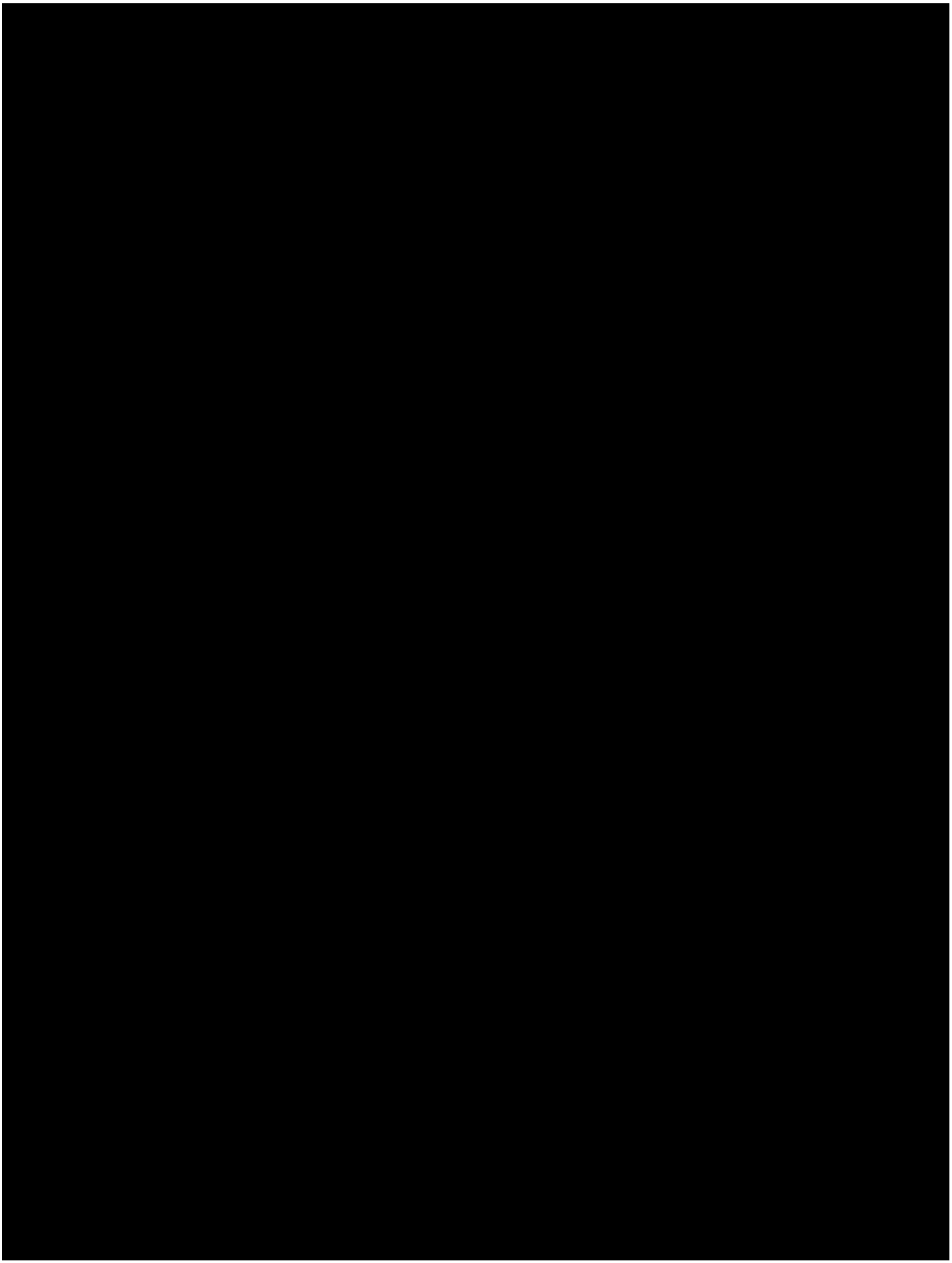

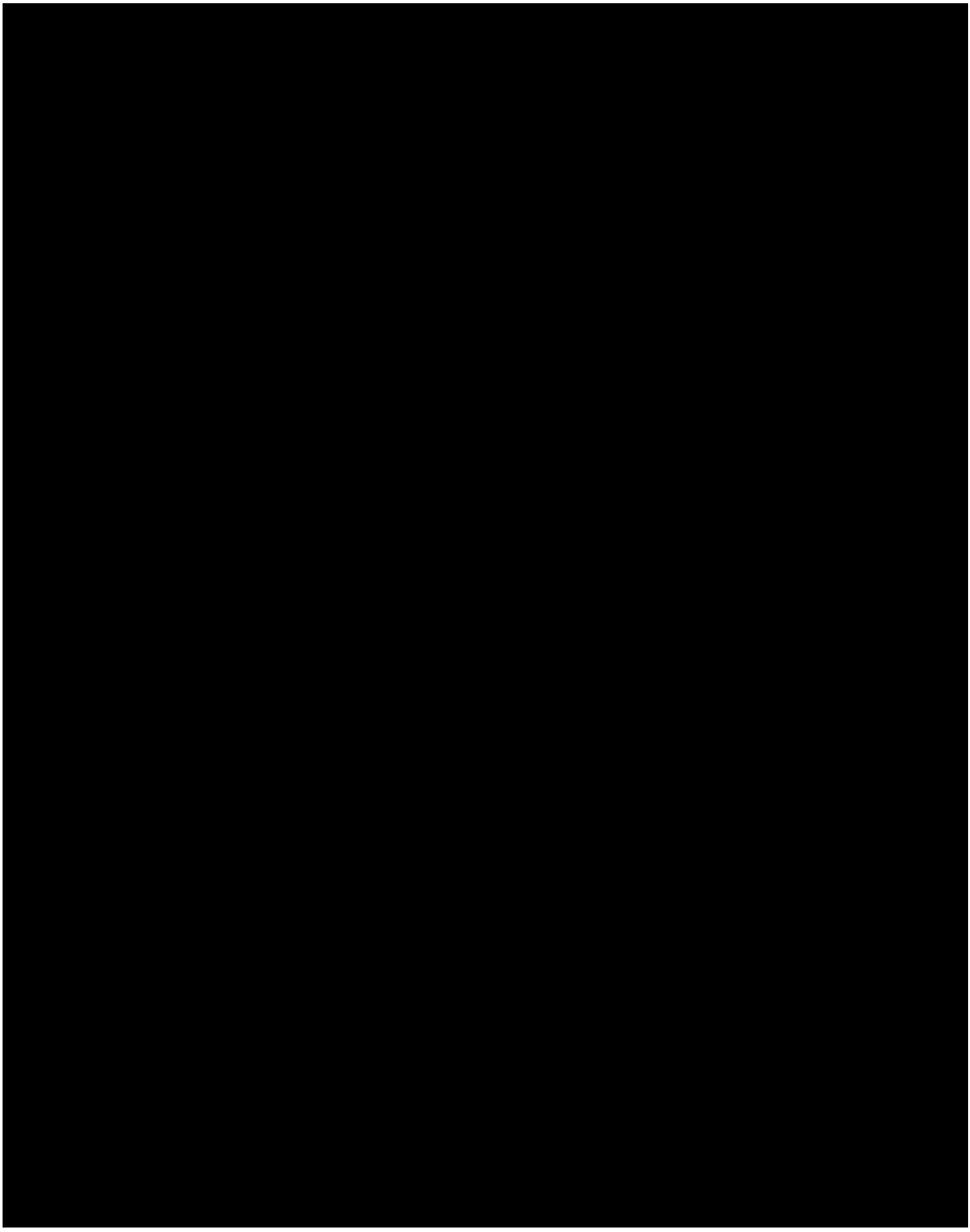

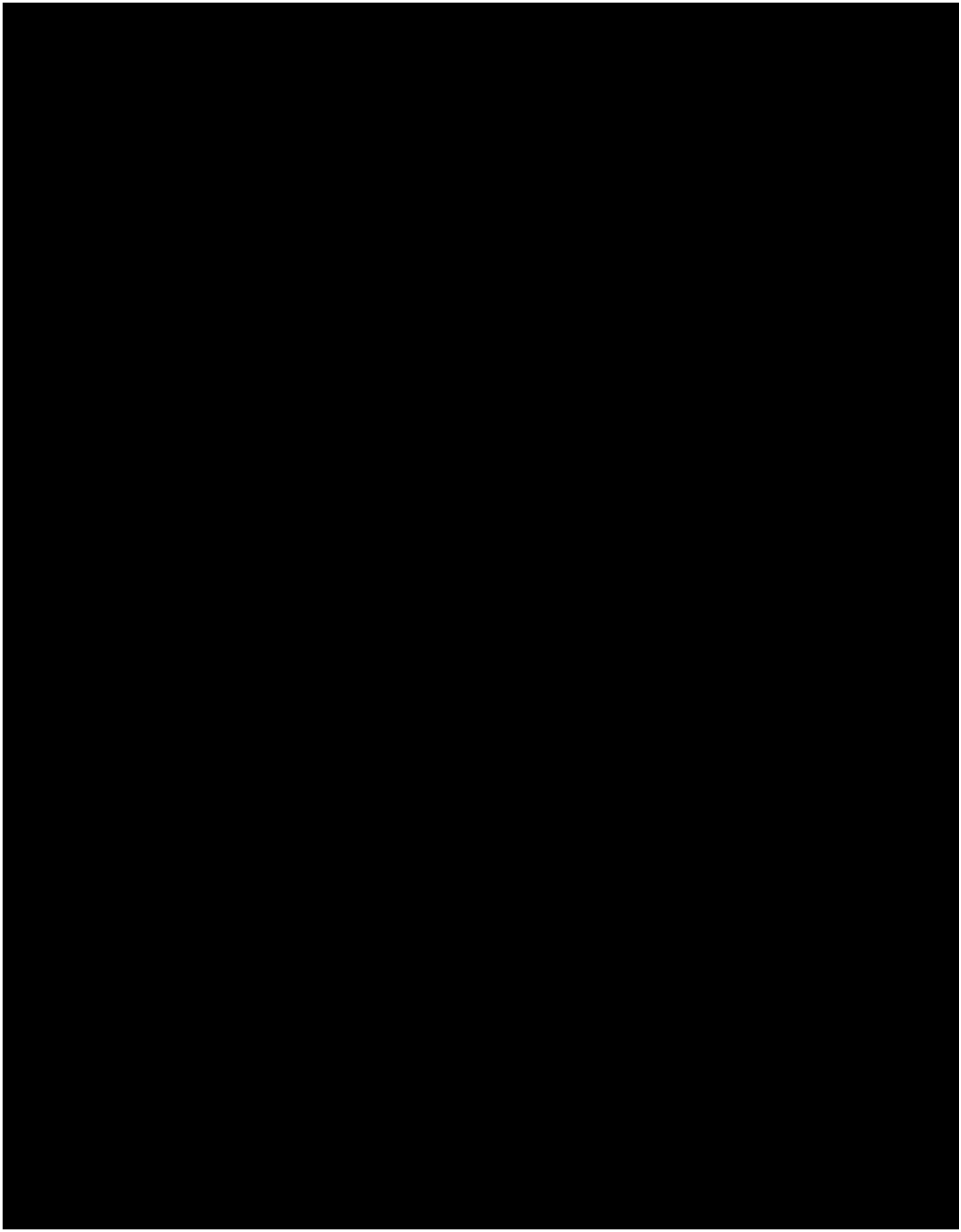

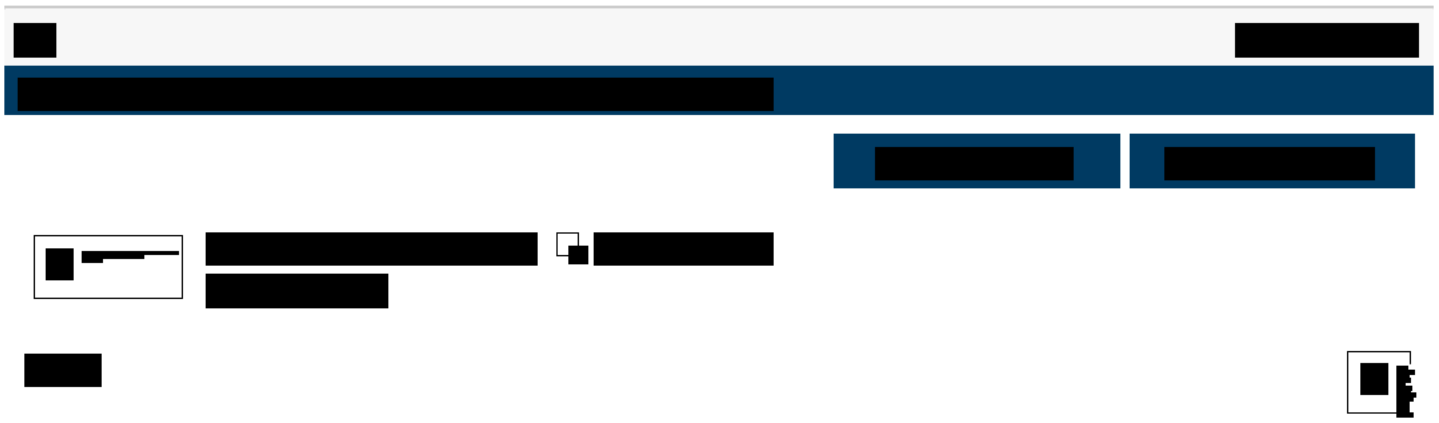

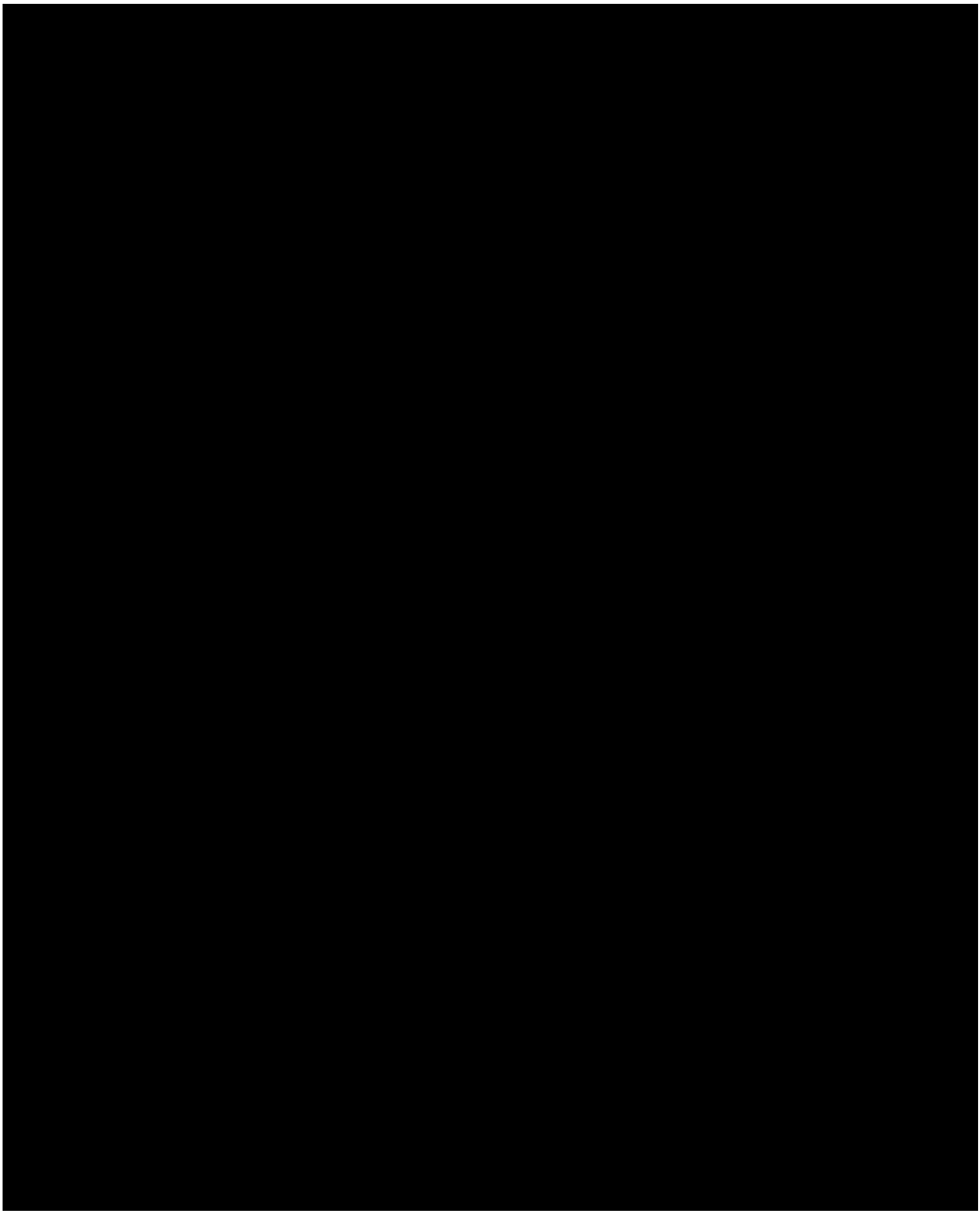

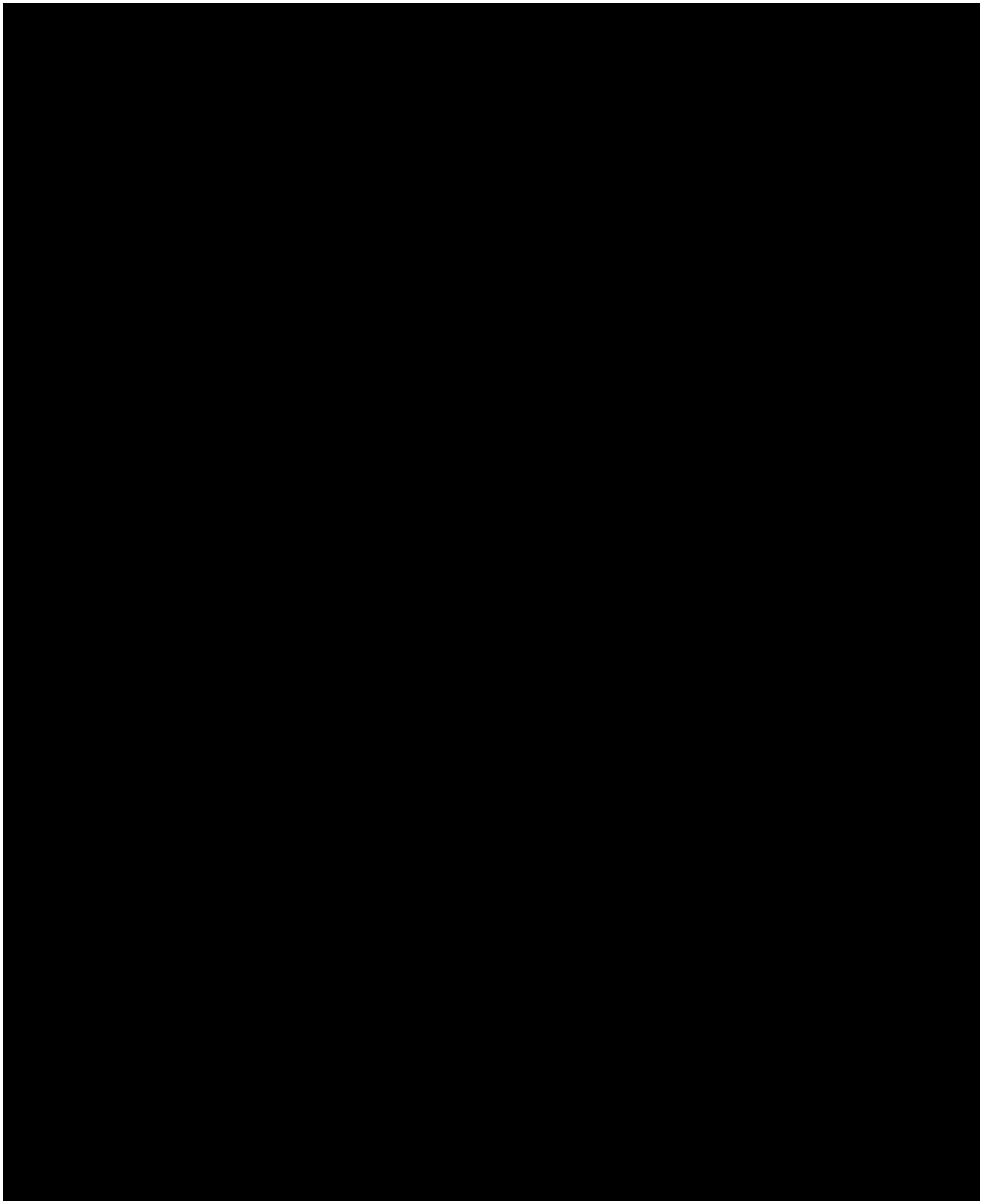

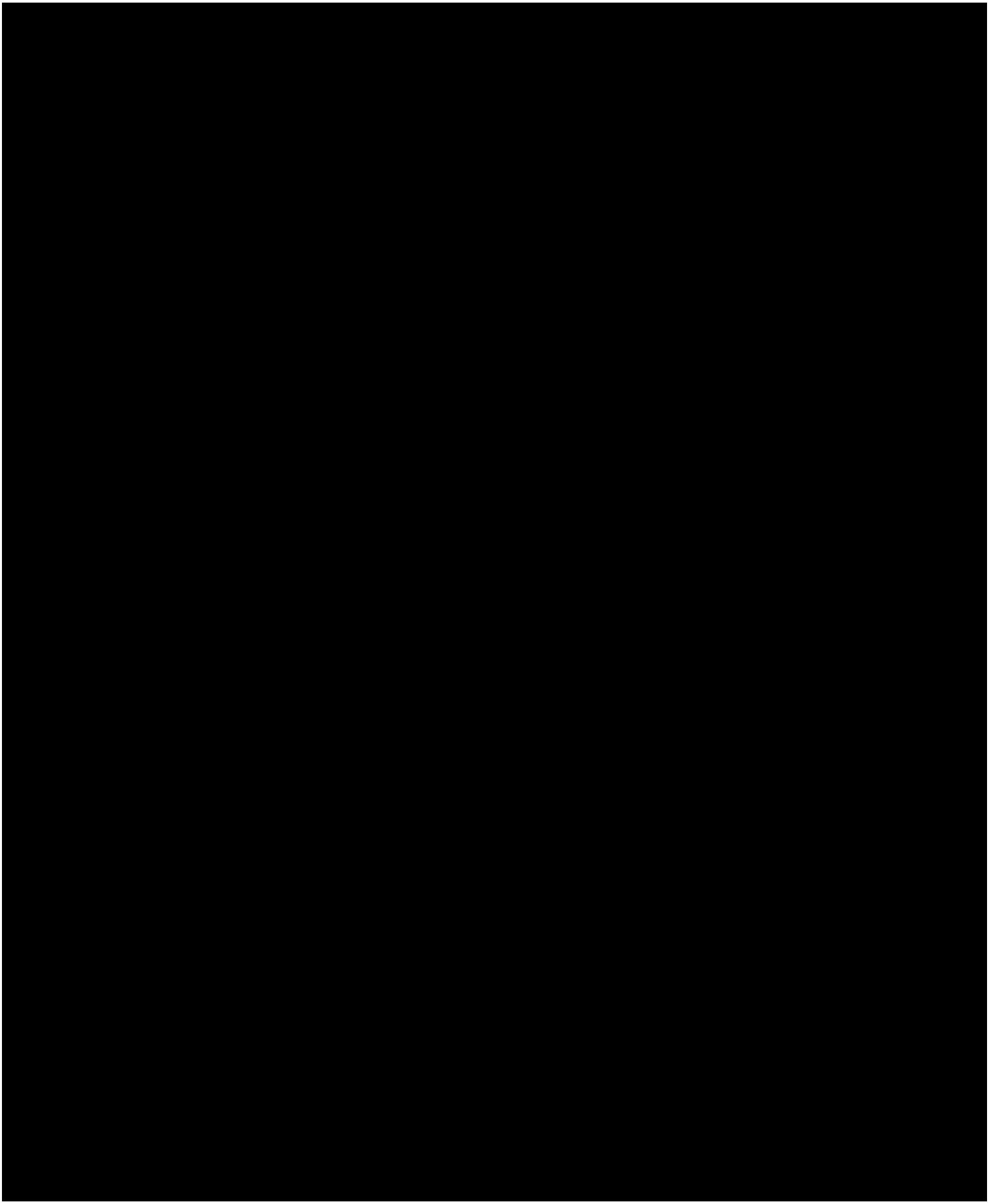



From: Harmeet Dhillon <news@trumptrainnews.com>
Sent: Monday, February 6, 2023 6:12 AM
To: aliseda0905@beaufortschools.org
Subject: "Don't tell your parents..."

Dear Fellow Conservative,

We have the key to stop our children from being corrupted by the radical Left in our schools -- and I need your immediate help to win...

That's why I'm asking you to make an emergency donation of $35 or more today.

We recently filed suit against a school AND the activists pretending to be teachers to make them pay for what they're doing to our young and vulnerable children.

Because the ONLY way we're going to stop them -- is to make these extremists pay for their crimes...

And that's exactly what our landmark lawsuit does!

Let me quickly give you the details in case you missed us while we were on **Laura Ingraham**'s great **Fox News** show talking about our case:

Jessica Konen, the mother of an innocent 12-year-old girl, was called into her daughter's school and told that her daughter was now a "boy".

She found out that her young daughter had been groomed into believing she was "transgender" and "bisexual"...

Her impressionable daughter didn't even know these words until they were forced on her by these radicals.

The school then pushed Jessica's innocent daughter to create a whole new identity -- complete with a new boy's name, new pronouns and had her use a different bathroom...

They also created a “Gender Support Plan” and ordered the faculty to use her new name and pronouns -- all without her mother’s knowledge!

And Jessica had no idea because her young daughter was told NOT to tell her mother since she couldn’t be “trusted”.

- These people are not real teachers.
- They’re not concerned with teaching our children to read...
- They’re not concerned with teaching our children math and arithmetic...
- They’re not concerned with teaching history...

They want to indoctrinate an entire generation of children to reject their parent’s values and embrace their radical Left-Wing propaganda -- and we have to stop them.

That’s why I’m asking you to rush in your donation of $35 or more to help us stop these child groomers now.

After all this, Jessica did what any good mother would do and questioned the principal about what was happening to her young daughter at school...

... And what happened next?

Child Protective Services was called to her house and “interviewed” her children!

This grooming is happening behind closed doors in classrooms across the country...

And it’s happening in secret so parents, grandparents and the community don’t know what’s going on.

Jessica’s innocent daughter is just one of the countless victims -- and if we don’t act, there will be more and more every day...

Since we announced our lawsuit **The Ingraham Angle**, tons of concerned parents, grandparents and teachers have reached out to us.

It’s horrible and sickening that this is happening, but we have to stop it...

And our lawsuit is the key.

Political pressure and new laws will not work -- we must drag these radical activists and schools into court and make them pay.

That’s why our lawsuit names the individual “teachers” -- we must hold **them** accountable...

Only when these extremists are scared of being dragged into court and are forced to pay will they stop.

Make no mistake -- if we win this landmark case every single one of these so-called teachers will take notice.

They will think of the consequences before pushing their radical agenda on our vulnerable children...

So please, join me today with a donation of $35 or more to fund our lawsuit to protect our kids from out of control leftist teachers.

But to stop them, we need to win this case...

And if you can give more today – $50, $100, $250 or more – I will use it to protect our children and our constitutional rights from these radical Left extremists.

But, whatever amount you can send, I ask that you rush it in right away.

And please know that here at the Center for American Liberty we don’t just file lawsuits – we **WIN** them!!

We recently won three major victories for religious liberty before the U.S. Supreme Court and we’re fighting Big Tech and the politicians who are conspiring to silence and destroy conservatives...

But this case to stop these extremists from corrupting and damaging our innocent children is too important to lose.

And the only way to stop them is to make them know we're going to make them pay for their actions...

So please, join the fight today with your emergency tax-deductible donation of $20, $35, $50, $100 or more today.

We're ready to go to the mat to win this case, but we can't do it without you.

Thank you in advance for your support.

Sincerely,





Harmeet K. Dhillon

P.S. The grooming and indoctrination happening in our schools must be stopped – and making the schools and individual "teachers" pay is the only way!

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DONATE



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The Center For American Liberty is a 501(c)(3) charitable organization created to fight against growing anti-free-speech and anti-civil liberties trends.

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PO Box 2510, Leesburg, VA 20177

If aliseda0905@beaufortschools.org should not be subscribed or if you need to change your subscription information for Trumptrainnews, please use this preferences page.

625 First Street #183, Alexandria, VA 22314

From: Harmeet Dhillon <news@trumptrainnews.com>
Sent: Saturday, December 10, 2022 7:00 AM
To: aliseda0905@beaufortschools.org
Subject: Have you seen what they're doing to our kids?

Dear Fellow Conservative,

We have the key to stop our children from being corrupted by the radical Left in our schools -- and I need your immediate help to win...

That's why I'm asking you to make an emergency donation of $35 or more today.

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Jessica Konen, the mother of an innocent 12-year-old girl, was called into her daughter's school and told that her daughter was now a "boy".

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Her impressionable daughter didn't even know these words until they were forced on her by these radicals.

The school then pushed Jessica's innocent daughter to create a whole new identity -- complete with a new boy's name, new pronouns and had her use a different bathroom...

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And Jessica had no idea because her young daughter was told NOT to tell her mother since she couldn’t be “trusted”.

- These people are not real teachers.
- They’re not concerned with teaching our children to read...
- They’re not concerned with teaching our children math and arithmetic...
- They’re not concerned with teaching history...

They want to indoctrinate an entire generation of children to reject their parent’s values and embrace their radical Left-Wing propaganda -- and we have to stop them.

That’s why I’m asking you to rush in your donation of $35 or more to help us stop these child groomers now.

After all this, Jessica did what any good mother would do and questioned the principal about what was happening to her young daughter at school...

... And what happened next?

Child Protective Services was called to her house and “interviewed” her children!

This grooming is happening behind closed doors in classrooms across the country...

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Jessica’s innocent daughter is just one of the countless victims -- and if we don’t act, there will be more and more every day...

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It’s horrible and sickening that this is happening, but we have to stop it...

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So please, join me today with a donation of $35 or more to fund our lawsuit to protect our kids from out of control leftist teachers.

But to stop them, we need to win this case...

And if you can give more today – $50, $100, $250 or more – I will use it to protect our children and our constitutional rights from these radical Left extremists.

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Thank you in advance for your support.

Sincerely,





Harmeet K. Dhillon

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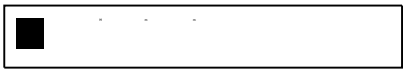
625 First Street #183, Alexandria, VA 22314

From: Faith and Liberty News <updates@faithandlibertymail.com>
Sent: Wednesday, November 30, 2022 2:37 PM
To: aliseda0905@beaufortschools.org
Subject: Have you seen what they're doing to our kids?



Please see a special message from our sponsor.

Dear Andrea,

We have the key to stop our children from being corrupted by the radical Left in our schools -- and I need your immediate help to win...

That's why I'm asking you to make an emergency donation of $35 or more today.

We recently filed suit against a school AND the activists pretending to be teachers to make them pay for what they're doing to our young and vulnerable children.

Because the ONLY way we're going to stop them -- is to make these extremists pay for their crimes...

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She found out that her young daughter had been groomed into believing she was "transgender" and "bisexual"...

Her impressionable daughter didn't even know these words until they were forced on her by these radicals.

The school then pushed Jessica's innocent daughter to create a whole new identity -- complete with a new boy's name, new pronouns and had her use a different bathroom...

They also created a "Gender Support Plan" and ordered the faculty to use her new name and pronouns -- all without her mother's knowledge!

And Jessica had no idea because her young daughter was told NOT to tell her mother since she couldn't be "trusted".

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After all this, Jessica did what any good mother would do and questioned the principal about what was happening to her young daughter at school...

... And what happened next?

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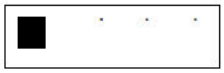

Harmeet K. Dhillon

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From: Harmeet Dhillon <news@americanupdate.com>
Sent: Wednesday, November 30, 2022 6:36 AM
To: aliseda0905@beaufortschools.org
Subject: Have you seen what they're doing to our kids?

Dear Fellow Conservative,

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After all this, Jessica did what any good mother would do and questioned the principal about what was happening to her young daughter at school...

... And what happened next?

Child Protective Services was called to her house and “interviewed” her children!

This grooming is happening behind closed doors in classrooms across the country...

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Please, follow this link to make your best tax-deductible donation of $20, $35, $50, $100, $250 or more.

From: Harmeet Dhillon <news@e.deroymurdock.com>
Sent: Tuesday, November 22, 2022 11:50 AM
To: aliseda0905@beaufortschools.org
Subject: Have you seen what they're doing to our kids?

Dear Fellow Conservative,

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And our lawsuit is the key.

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Sincerely,





Harmeet K. Dhillon

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PO Box 2510, Leesburg, VA 20177

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625 First Street #183, Alexandria, VA 22314

From: Harmeet Dhillon <news@e.deroymurdock.com>
Sent: Tuesday, November 15, 2022 7:13 AM
To: aliseda0905@beaufortschools.org
Subject: Have you seen what they're doing to our kids?!

View this message in your browser

Dear Fellow Conservative,

We have the key to stop our children from being corrupted by the radical Left in our schools -- and I need your immediate help to win...

That's why I'm asking you to make an emergency donation of $35 or more today.

We recently filed suit against a school AND the activists pretending to be teachers to make them pay for what they're doing to our young and vulnerable children.

Because the ONLY way we're going to stop them -- is to make these extremists pay for their crimes...

And that's exactly what our landmark lawsuit does!

Let me quickly give you the details in case you missed us while we were on **Laura Ingraham**'s great **Fox News** show talking about our case:

Jessica Konen, the mother of an innocent 12-year-old girl, was called into her daughter's school and told that her daughter was now a "boy".

She found out that her young daughter had been groomed into believing she was "transgender" and "bisexual"...

Her impressionable daughter didn't even know these words until they were forced on her by these radicals.

The school then pushed Jessica's innocent daughter to create a whole new identity -- complete with a new boy's name, new pronouns and had her use a different bathroom...

They also created a “Gender Support Plan” and ordered the faculty to use her new name and pronouns -- all without her mother’s knowledge!

And Jessica had no idea because her young daughter was told NOT to tell her mother since she couldn’t be “trusted”.

- These people are not real teachers.
- They’re not concerned with teaching our children to read...
- They’re not concerned with teaching our children math and arithmetic...
- They’re not concerned with teaching history...

They want to indoctrinate an entire generation of children to reject their parent’s values and embrace their radical Left-Wing propaganda -- and we have to stop them.

That’s why I’m asking you to rush in your donation of $35 or more to help us stop these child groomers now.

After all this, Jessica did what any good mother would do and questioned the principal about what was happening to her young daughter at school...

... And what happened next?

Child Protective Services was called to her house and “interviewed” her children!

This grooming is happening behind closed doors in classrooms across the country...

And it’s happening in secret so parents, grandparents and the community don’t know what’s going on.

Jessica’s innocent daughter is just one of the countless victims -- and if we don’t act, there will be more and more every day...

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625 First Street #183, Alexandria, VA 22314

From: Harmeet Dhillon <news@e.icyminews.com>
Sent: Wednesday, October 26, 2022 11:56 AM
To: aliseda0905@beaufortschools.org
Subject: Have you seen what they're doing to our kids?

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625 First Street #183, Alexandria, VA 22314

From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, August 30, 2022 12:33 AM
To: Sophia.Youmans@beaufort.k12.sc.us
Subject: Open Forum Digest for Monday August 29, 2022

WARNING: This email originated from outside of Beaufort County School District's email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Open Forum

Post New Message

Aug 29, 2022

Discussions

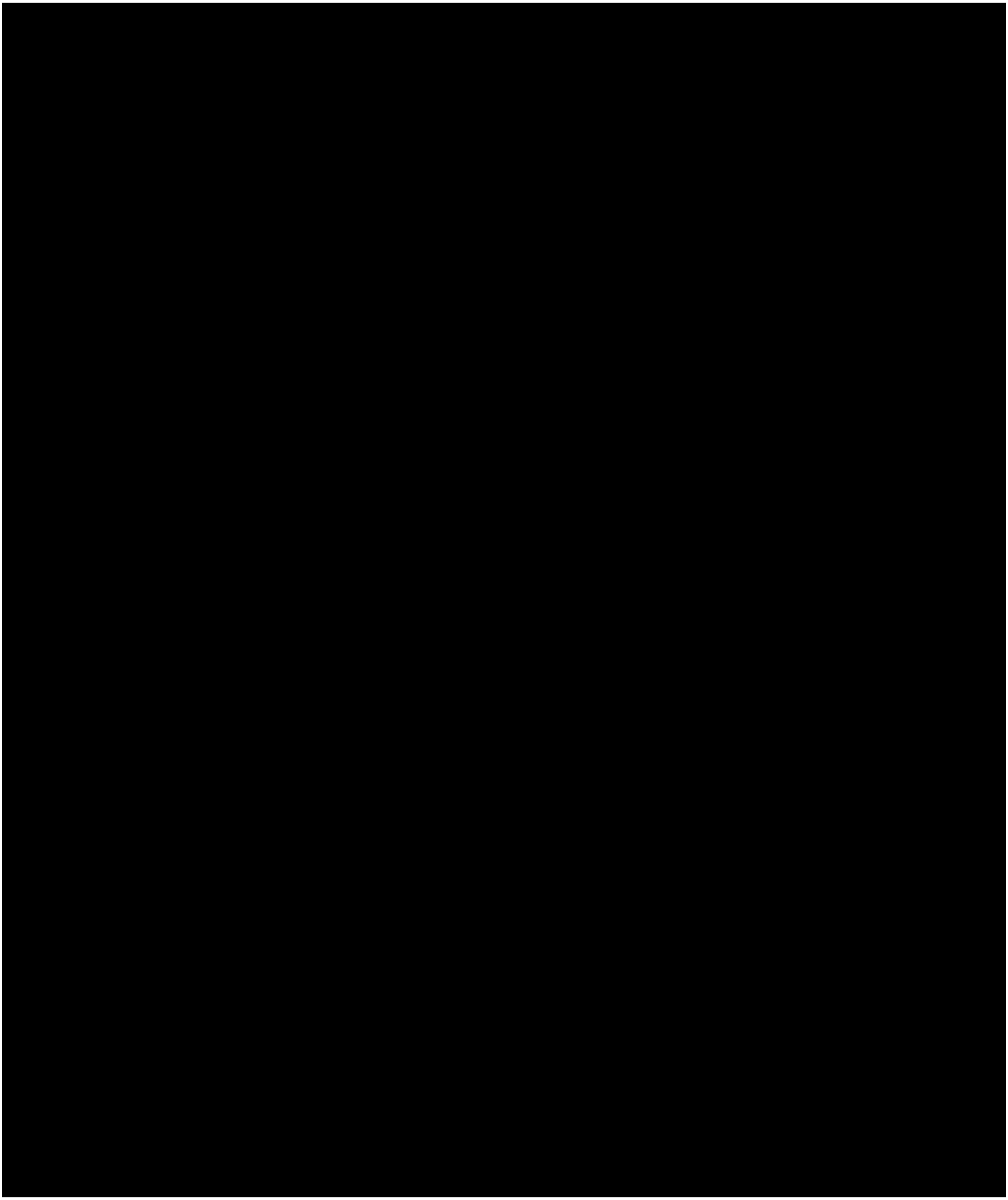
[redacted]

[redacted]

Transgender Names and Pronouns

15. Hi Heather, You should double check with... Andrea Orozco

[redacted]



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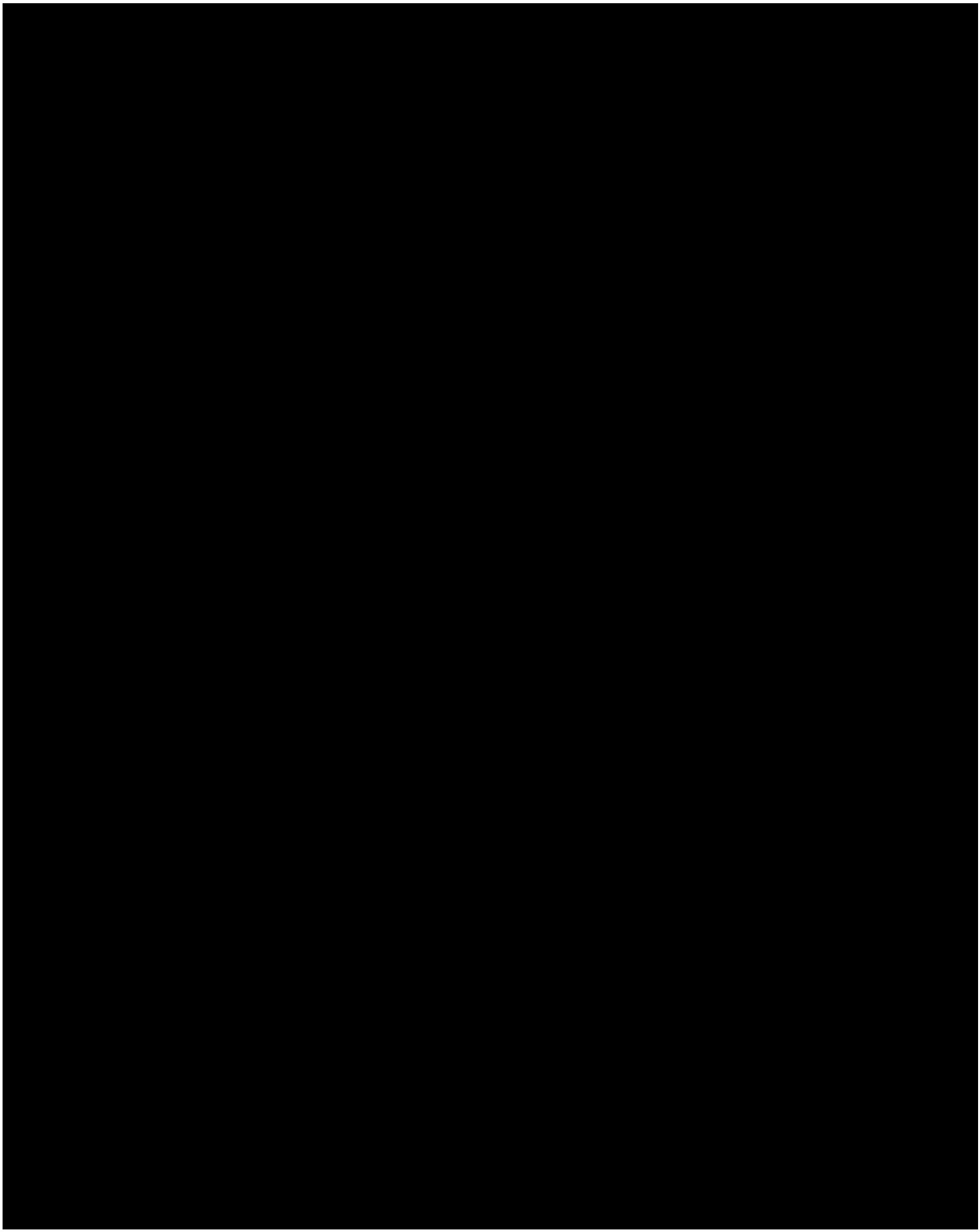
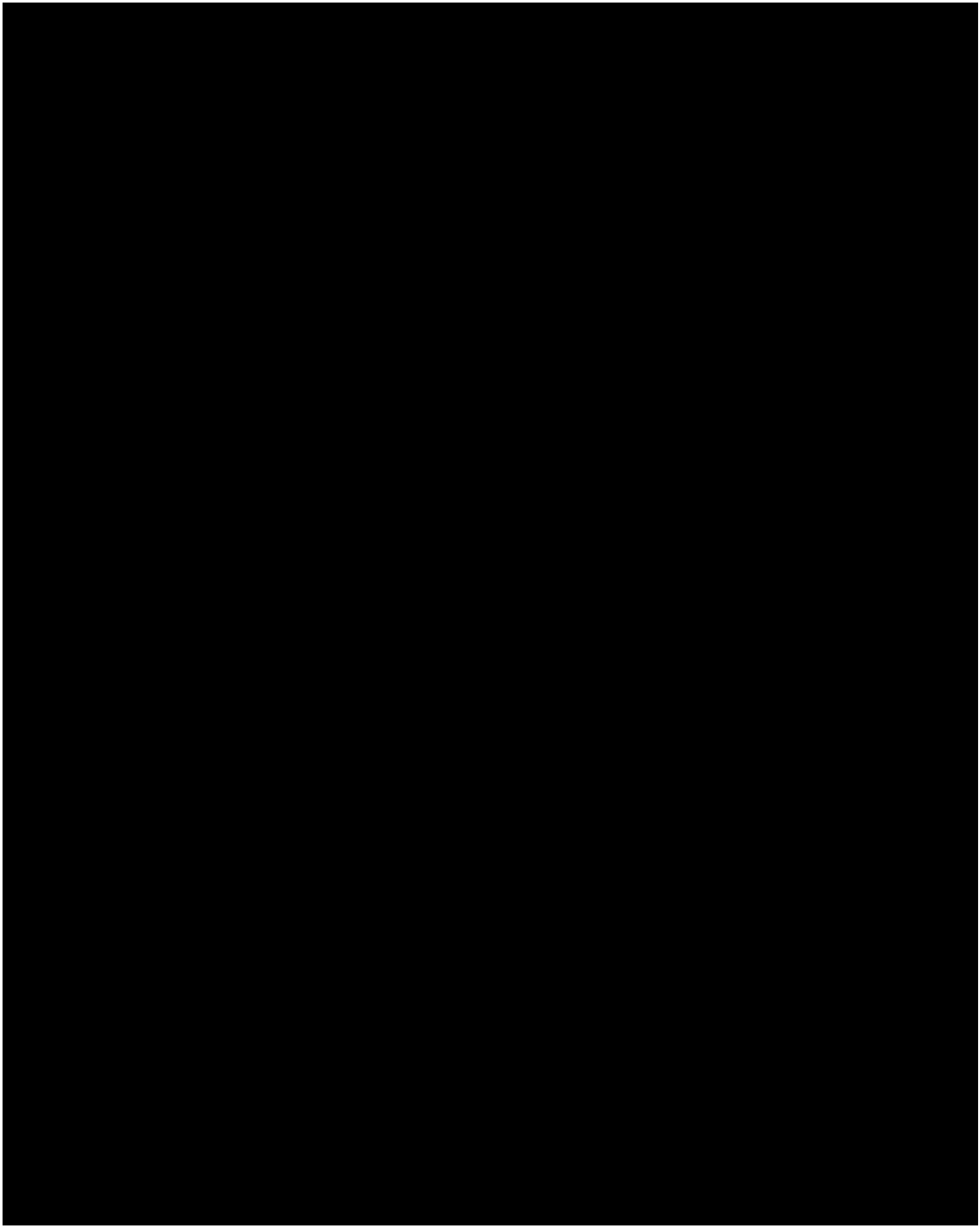
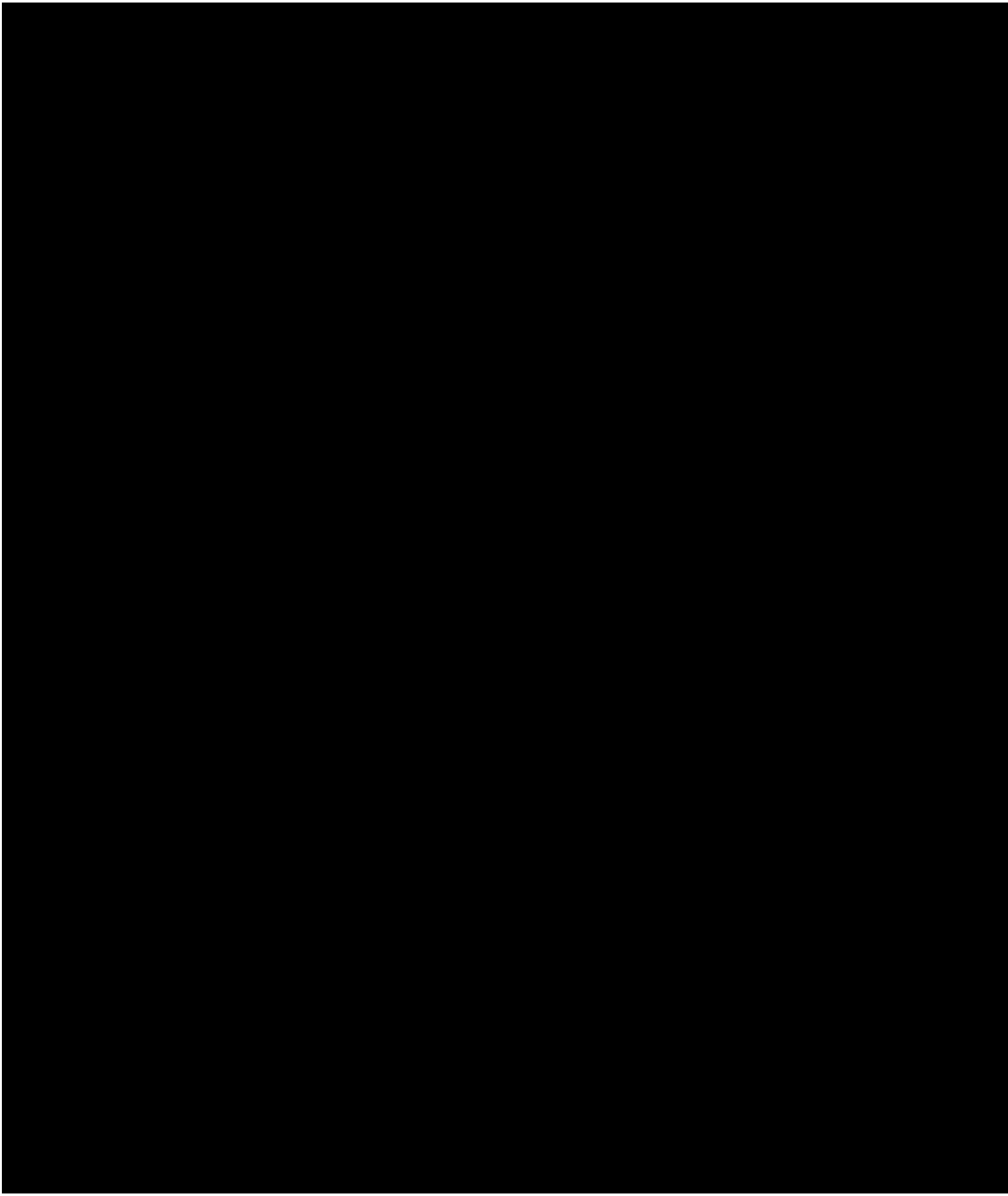
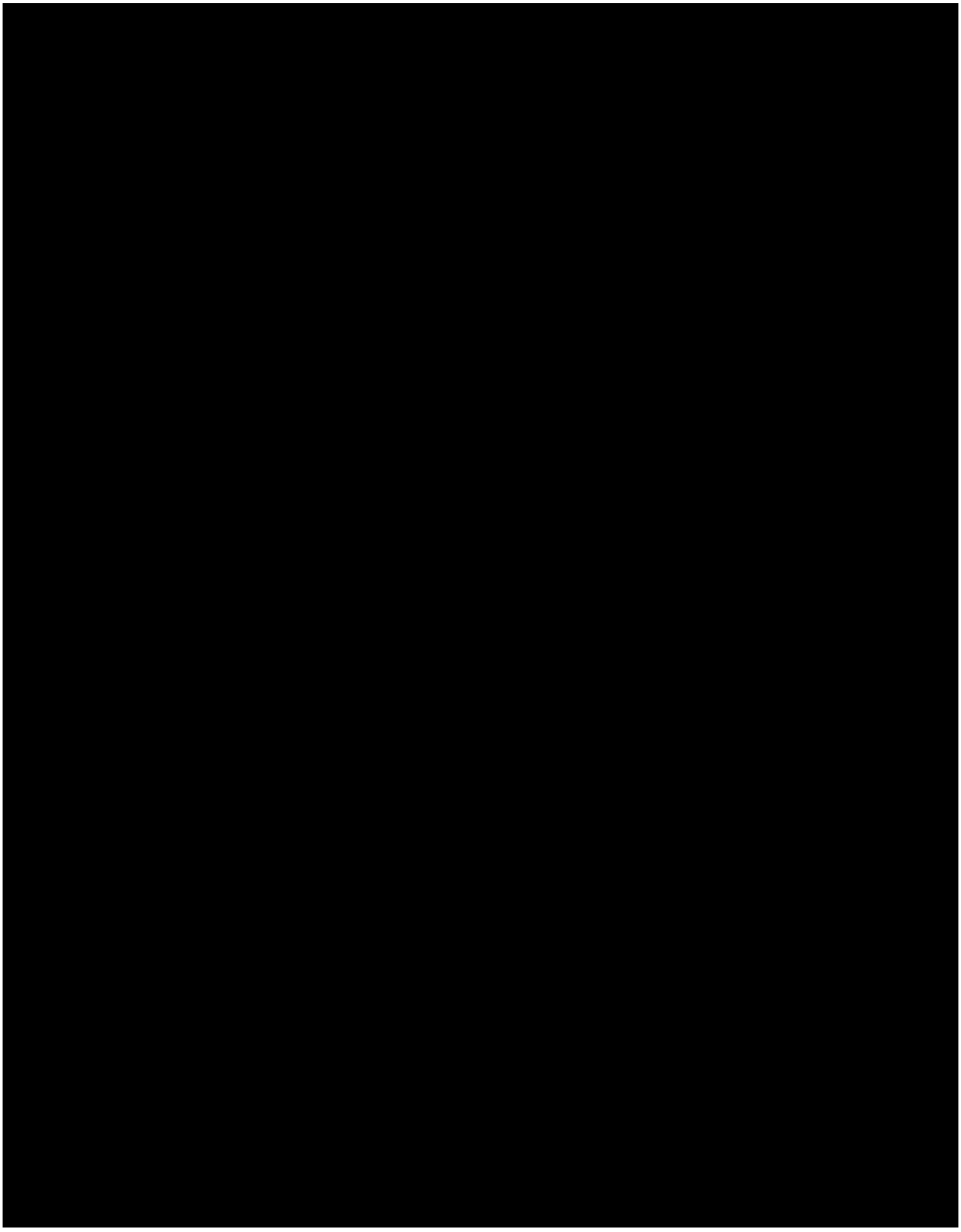
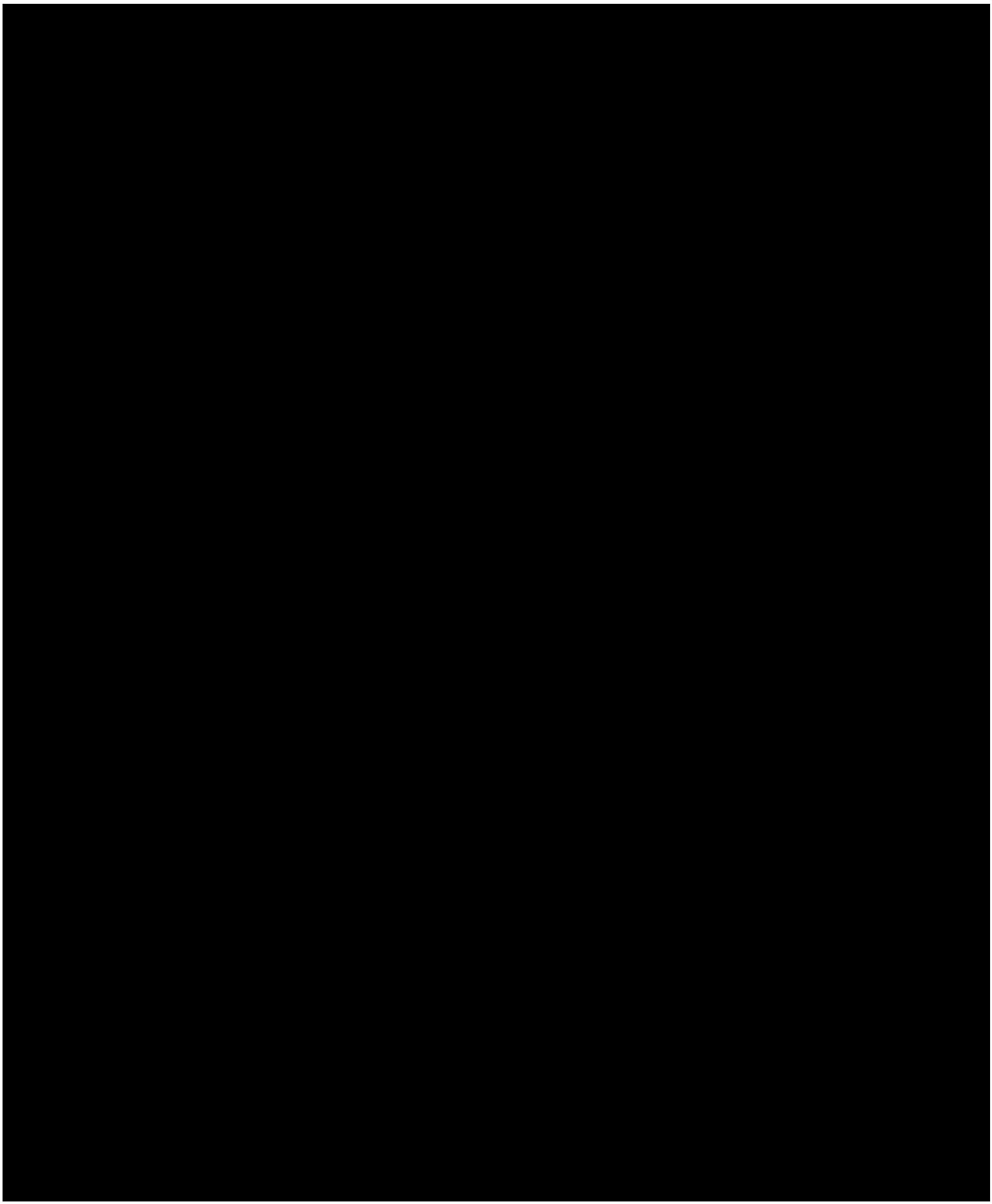
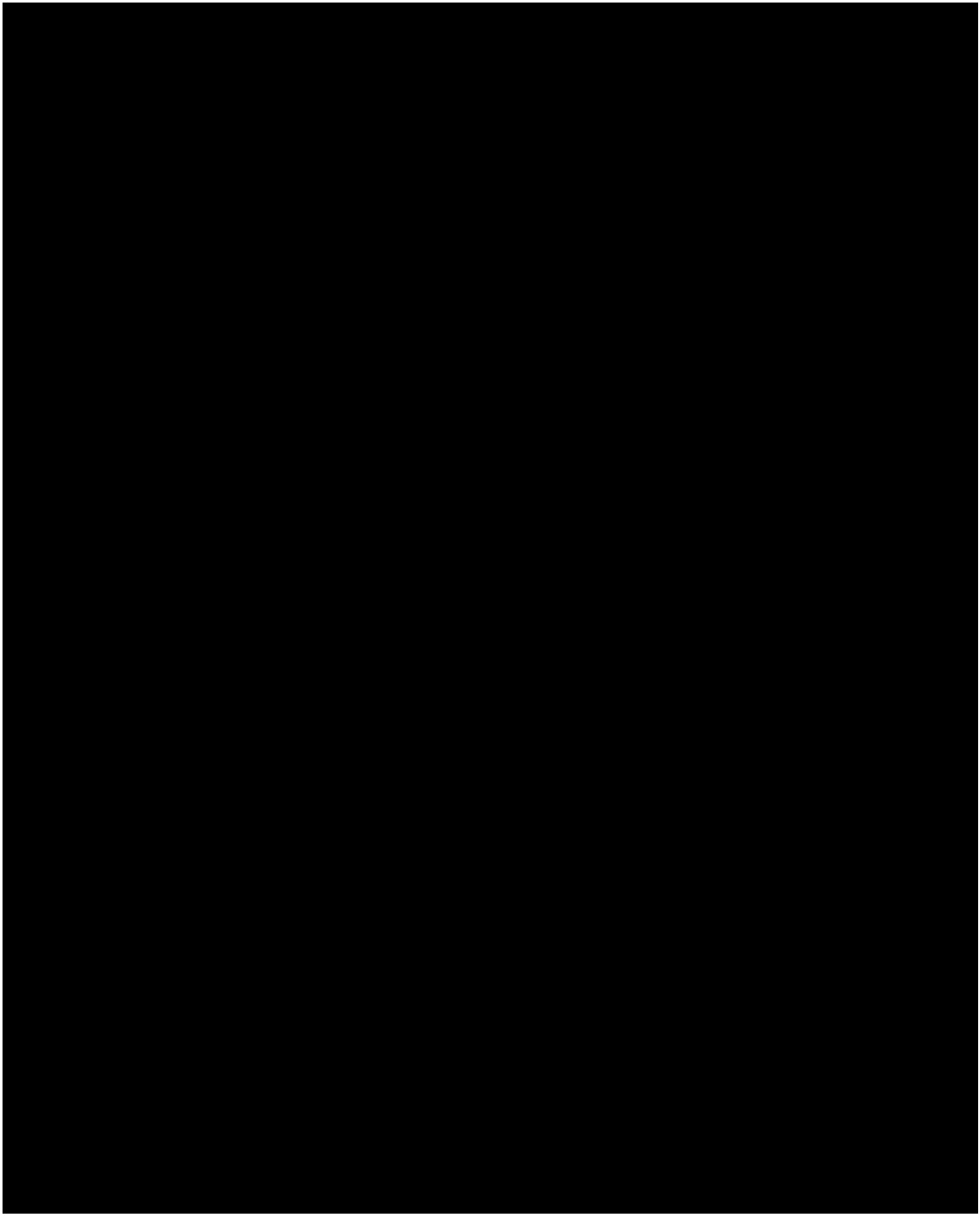


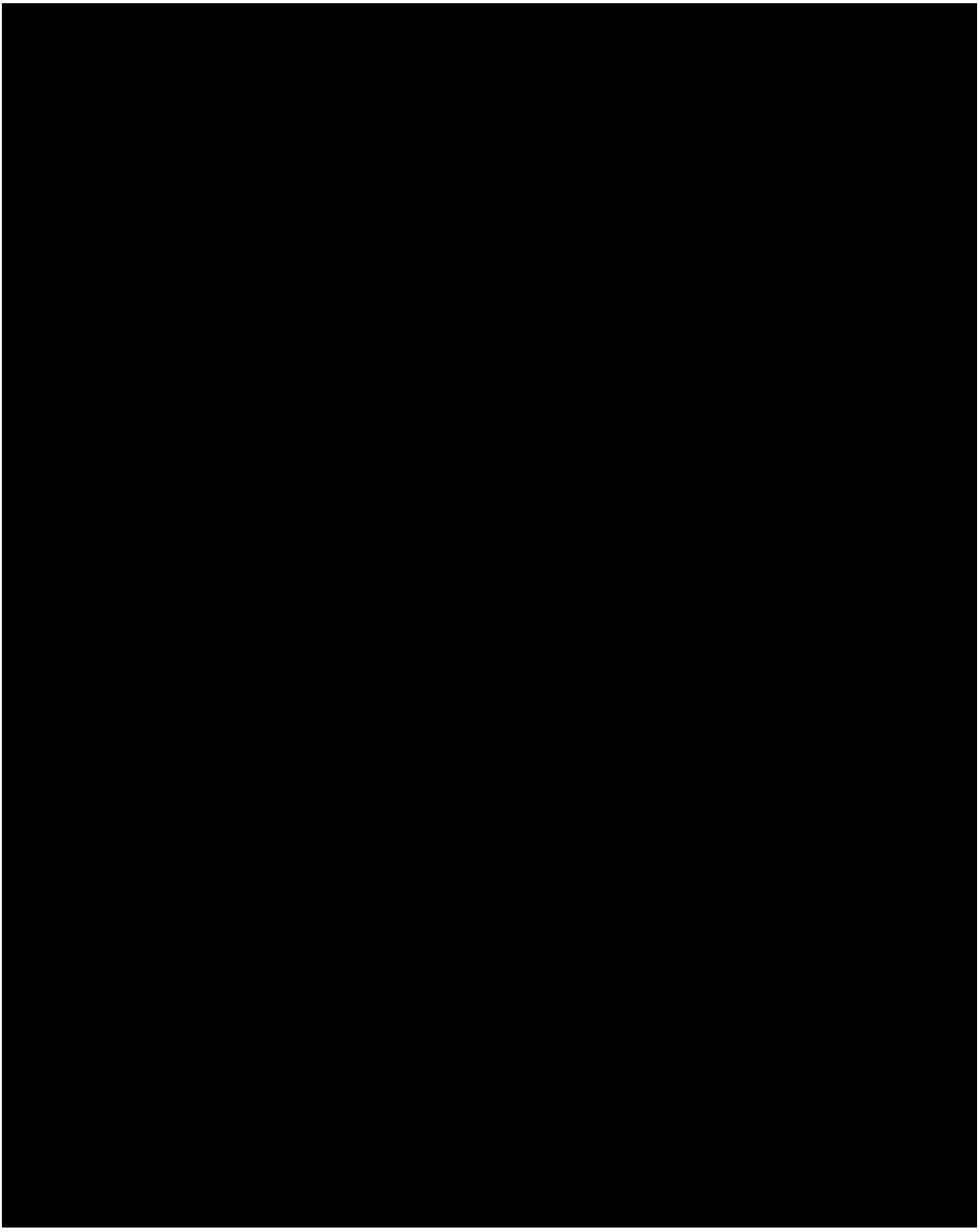


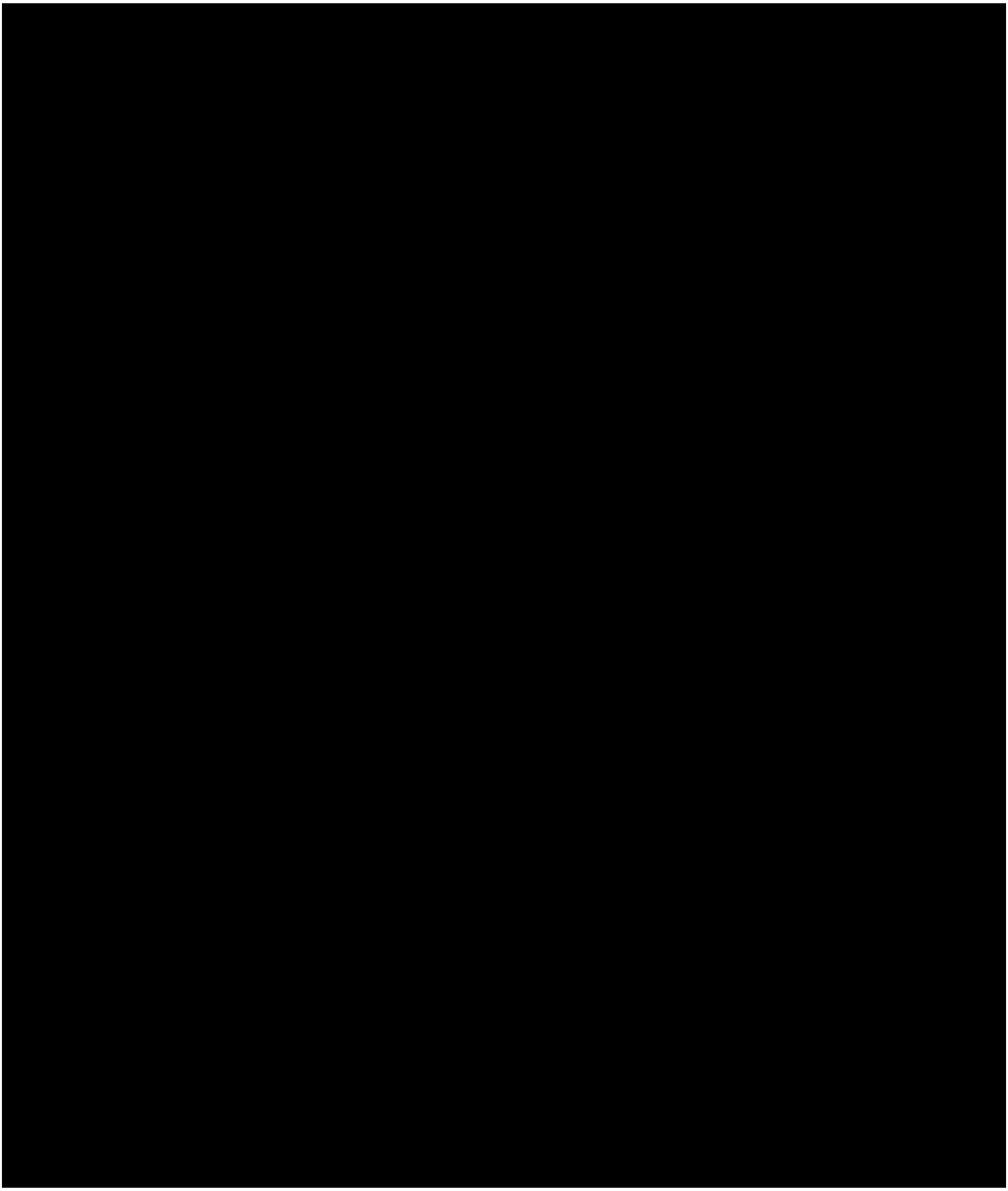


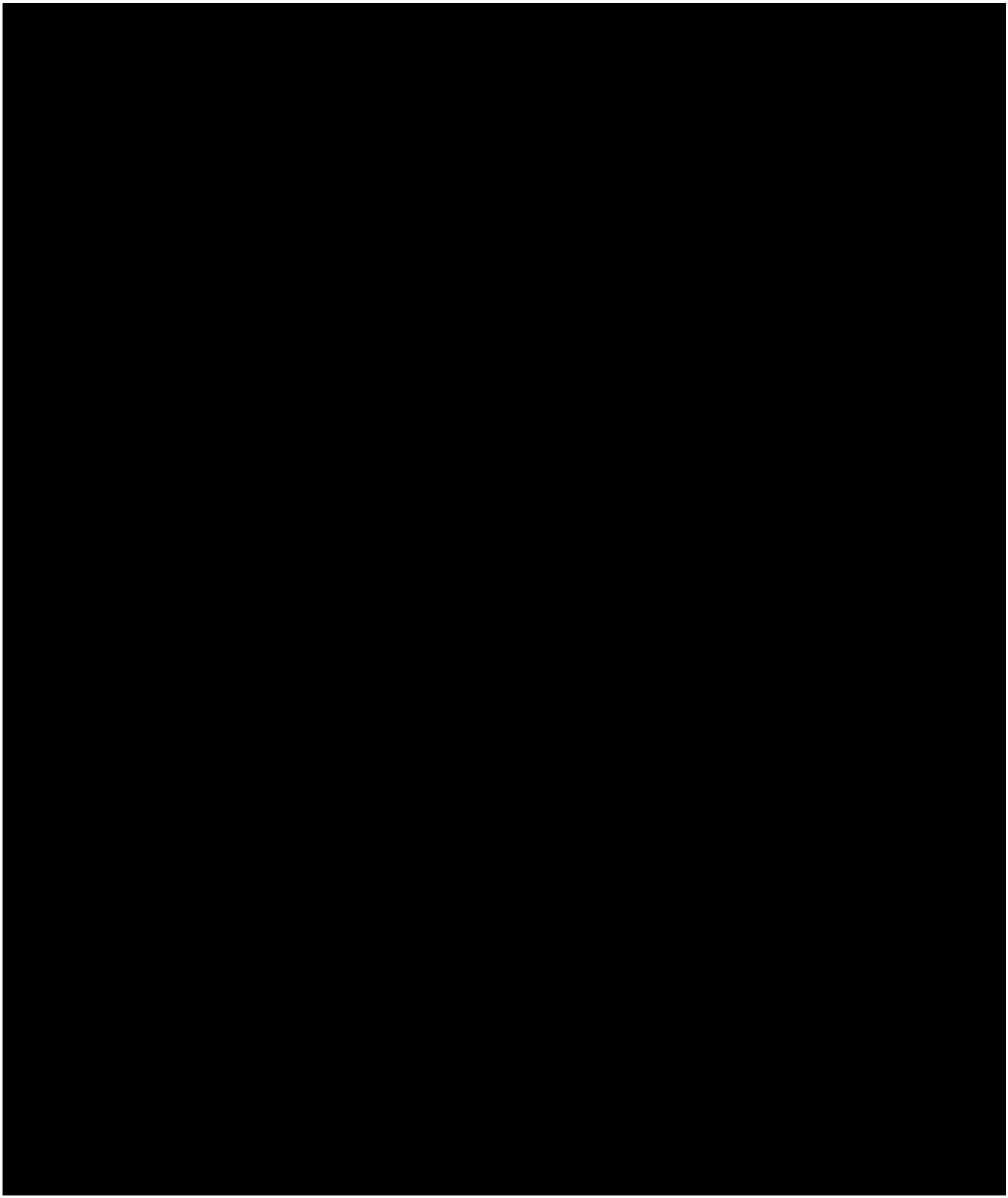


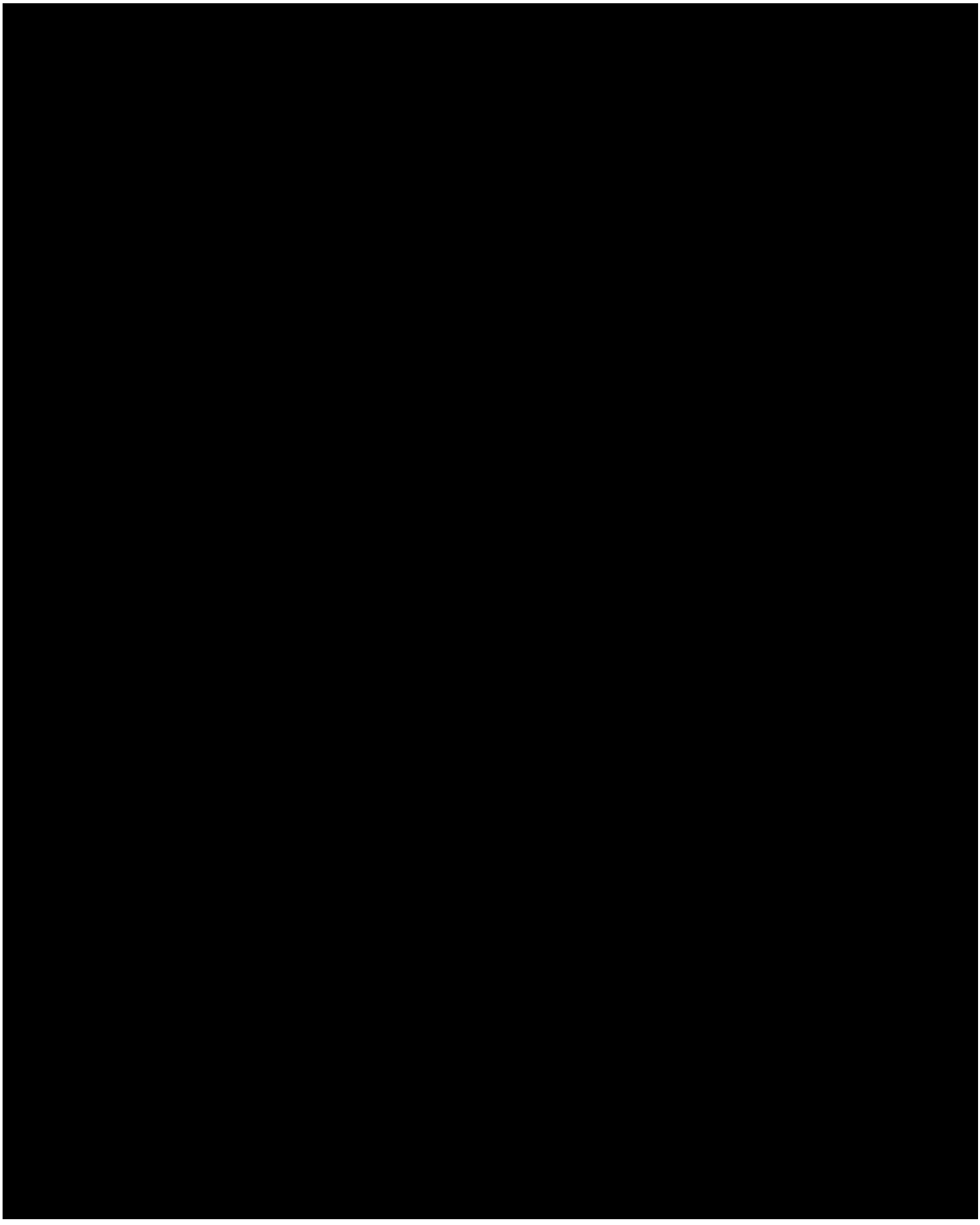












[redacted]

top previous next

15. Re: Transgender Names and Pronouns

Reply to Group Reply to Sender

[redacted] Aug 29, 2022 1:29 PM
Andrea Orozco

Hi Heather,

You should double check with your district and see if they have a gender support plan in place. If not, I have used the Gender Spectrum's support plan genderspectrum.org/articles/using-the-gsp Also double check your state laws but in California we can not tell parents without the student's consent.

Andrea Orozco
Chula Vista CA

Reply to Group Online View Thread Recommend Forward Flag as Inappropriate

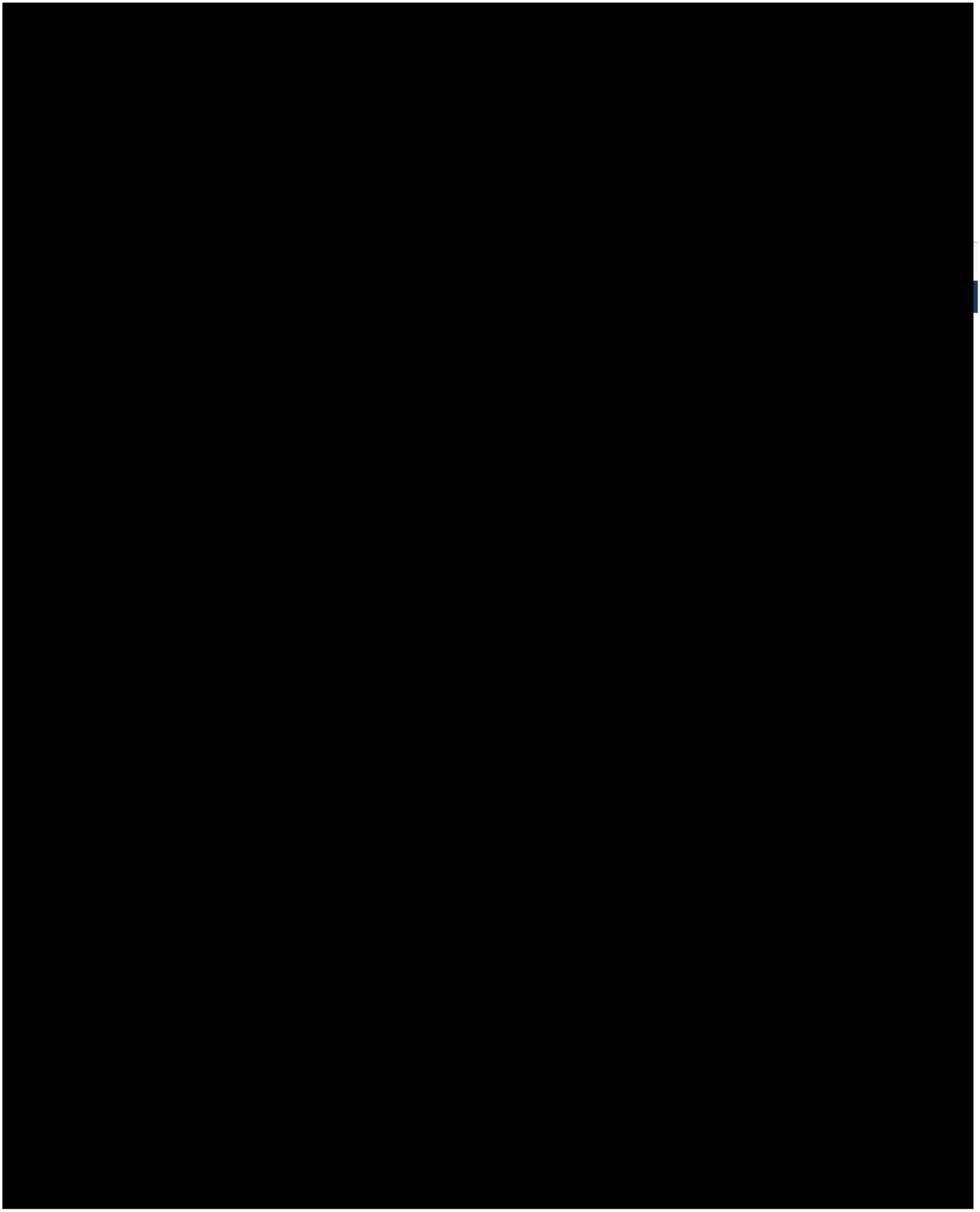
---
Original Message:
Sent: 08-25-2022 15:12
From: Heather Harrison
Subject: Transgender Names and Pronouns

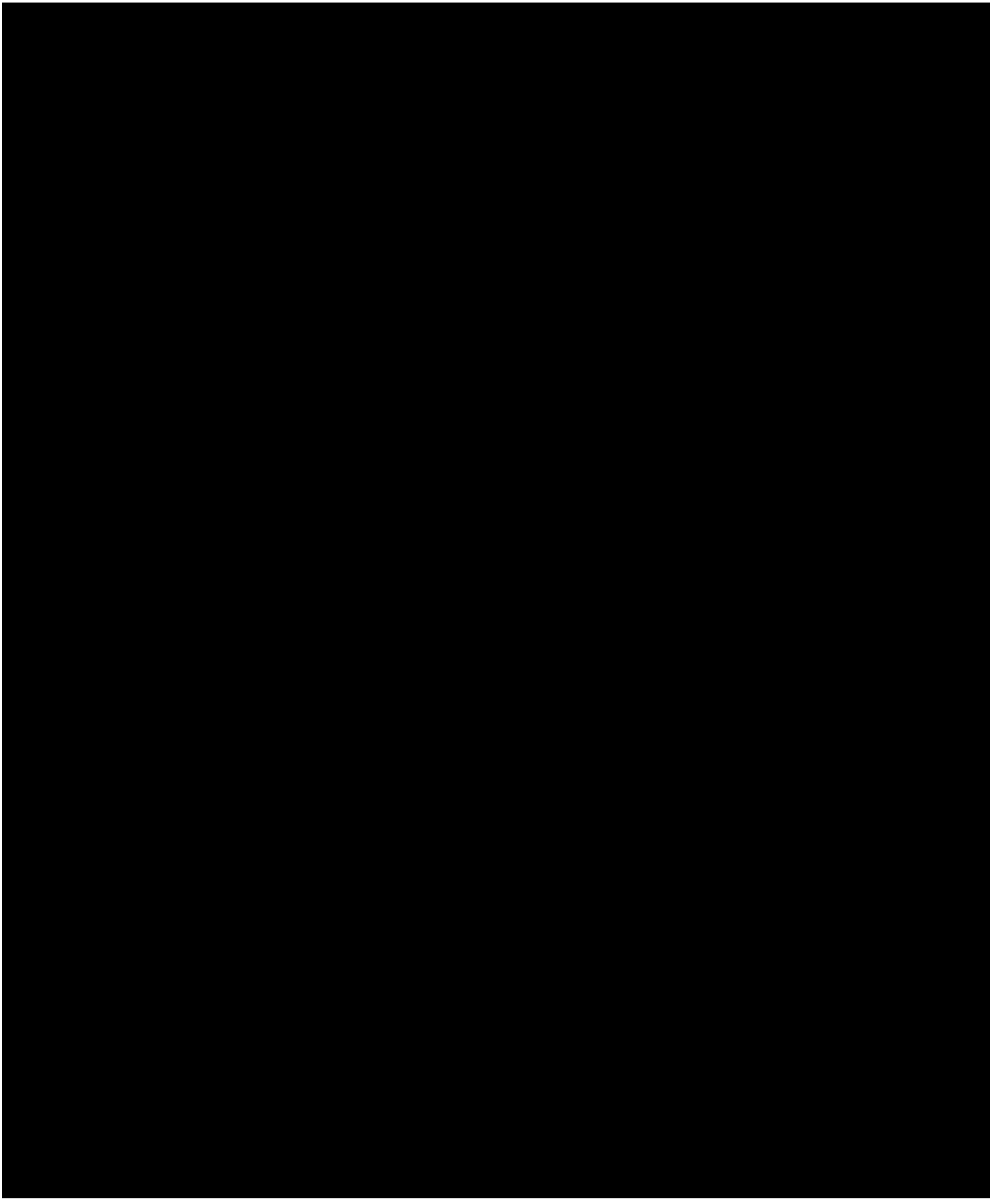
We are working on an official policy for name and pronoun changes at our junior high and high school. What are your policies for students changing their names in school amongst teachers and peers? Do you contact their parents to get permission or to make them aware at all? If their parents don't approve how do you handle that situation? Any insight you could provide would be helpful.

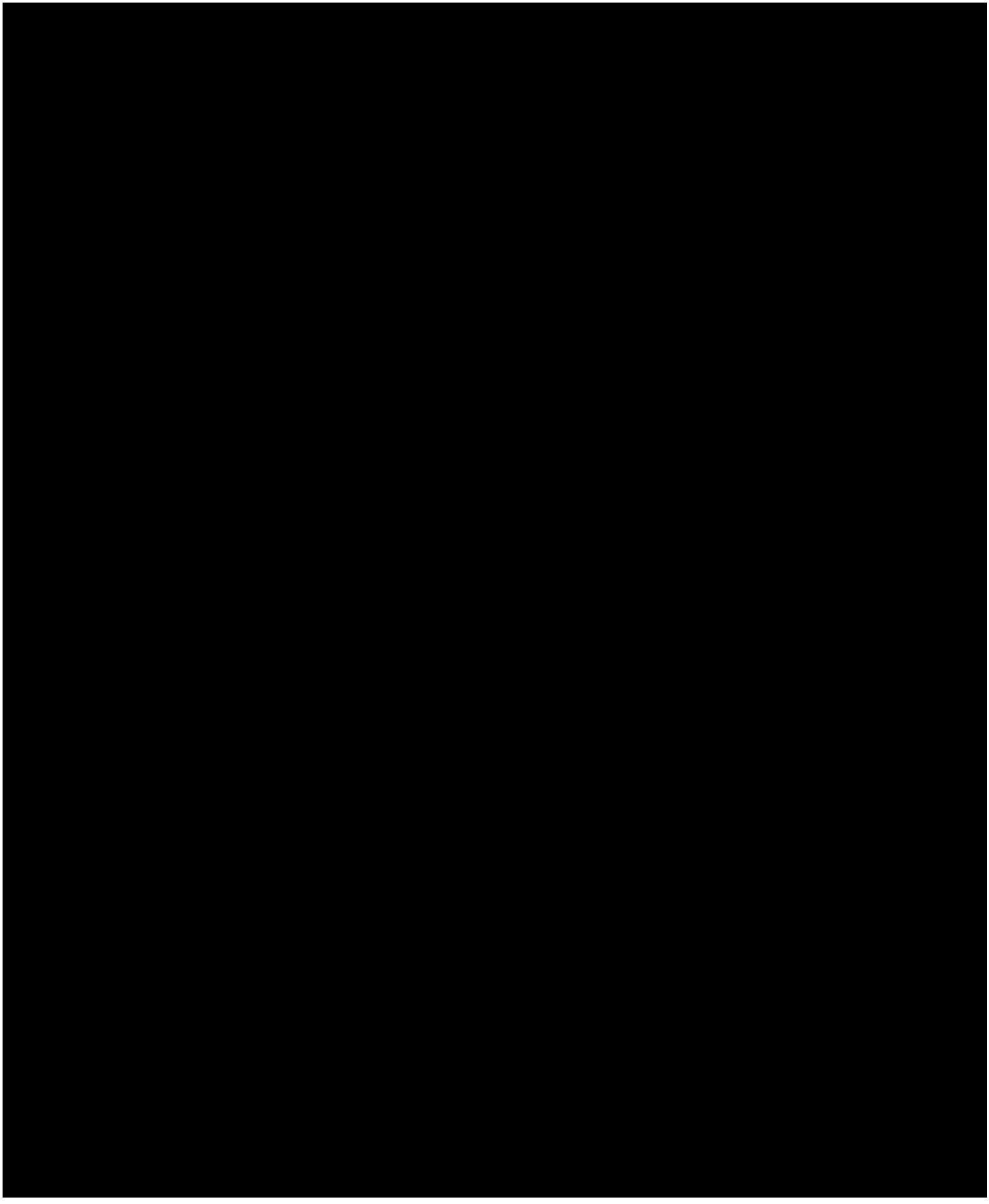
Thanks!

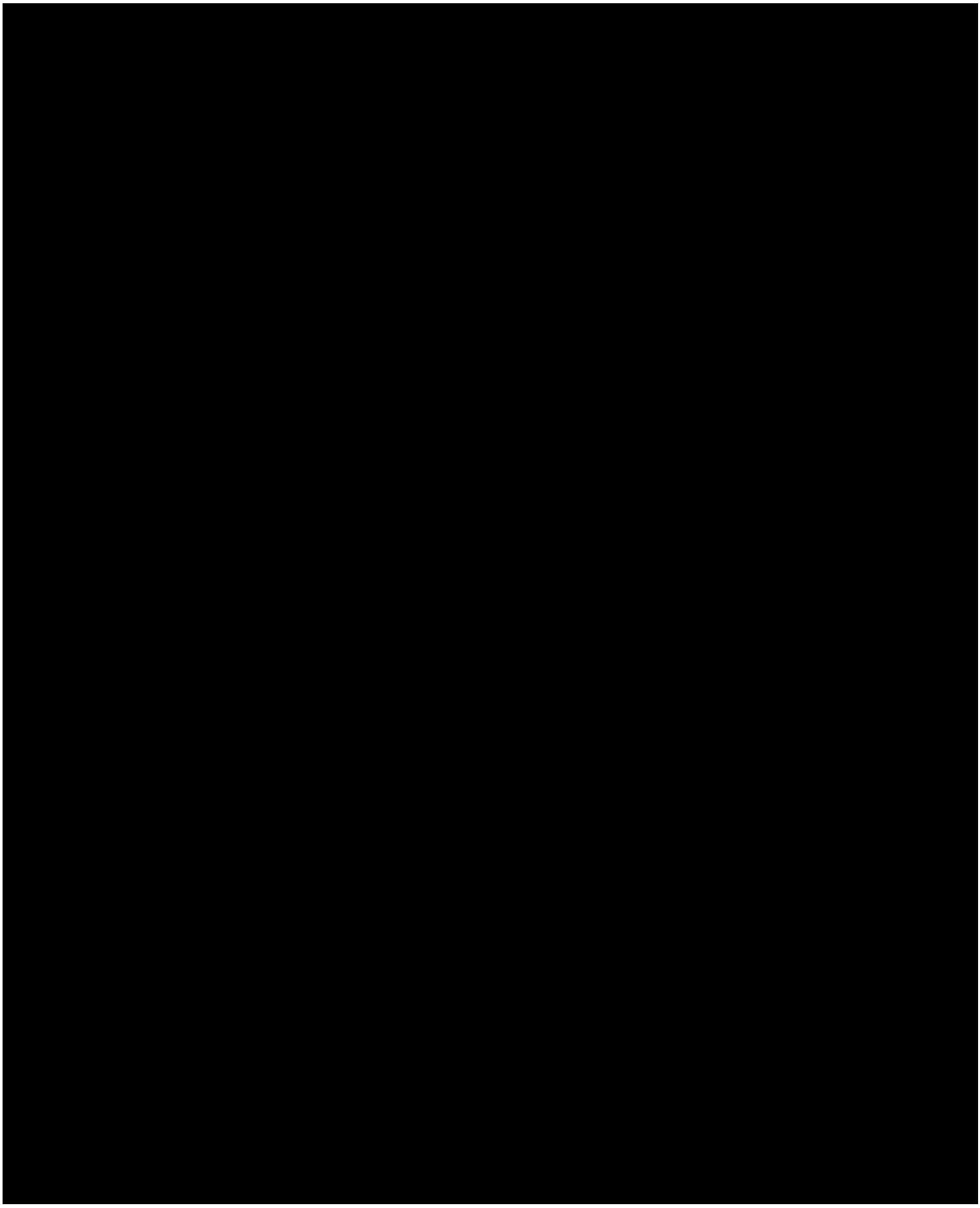
Heather Harrison
School Counselor
Lancaster OH

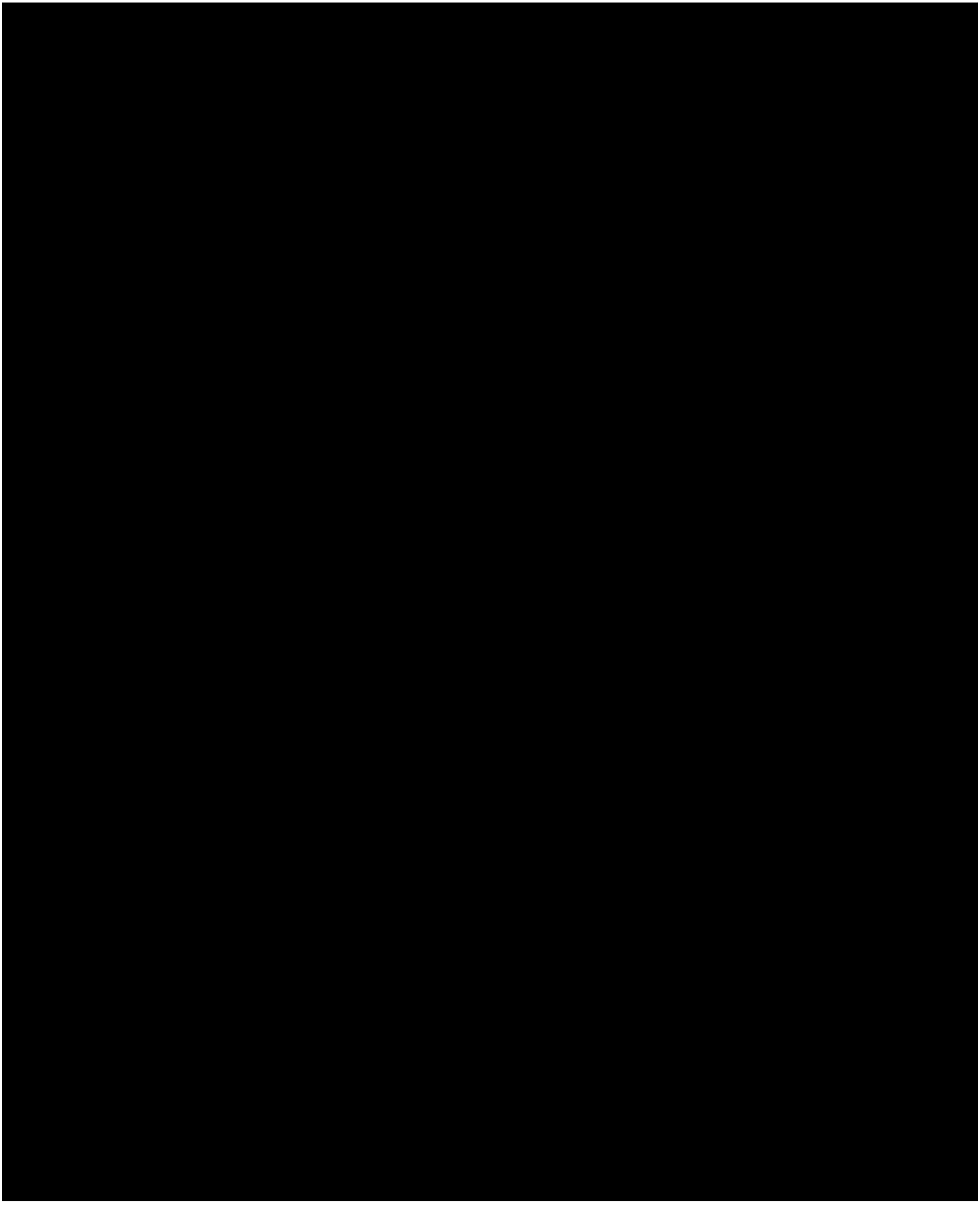


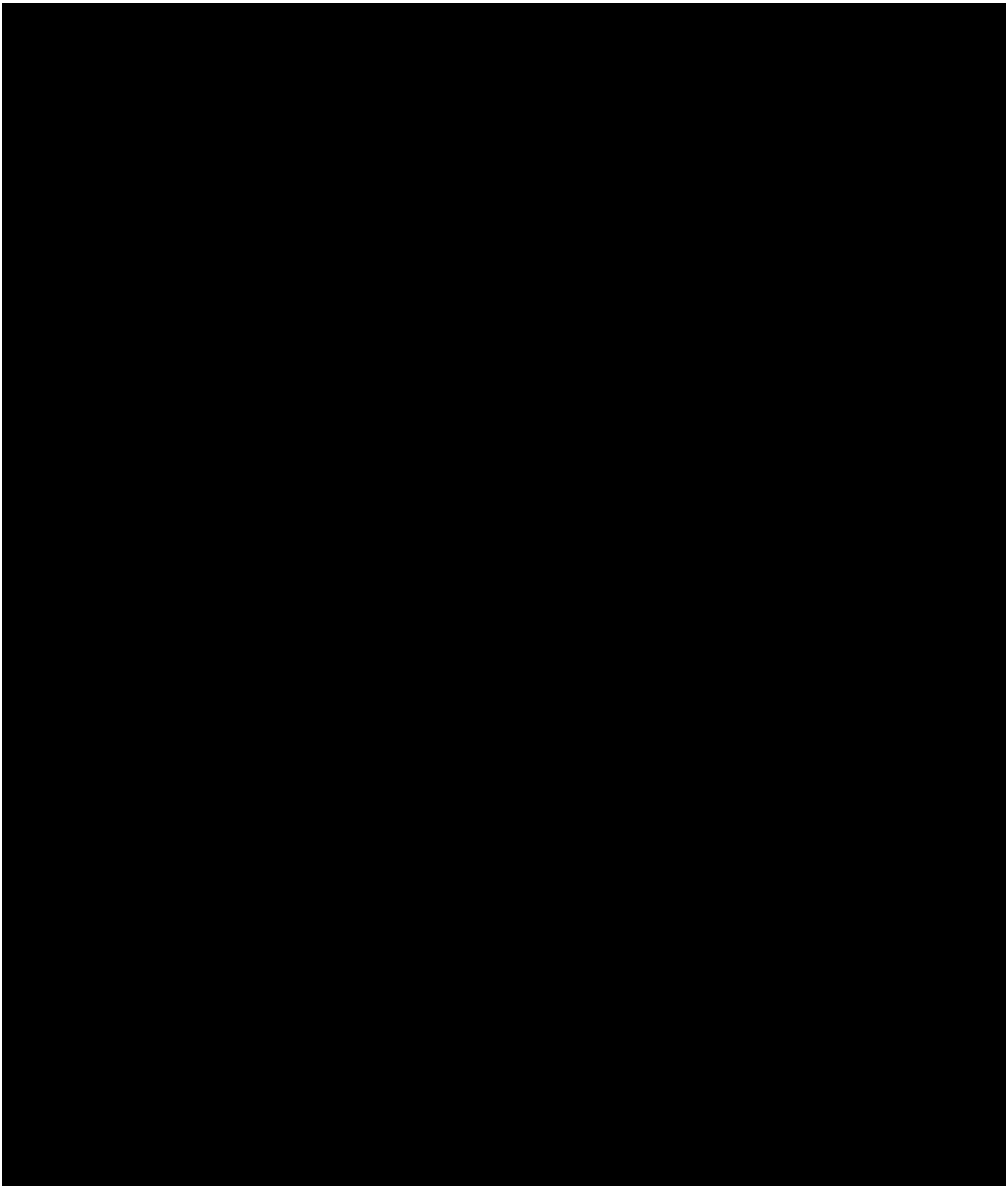


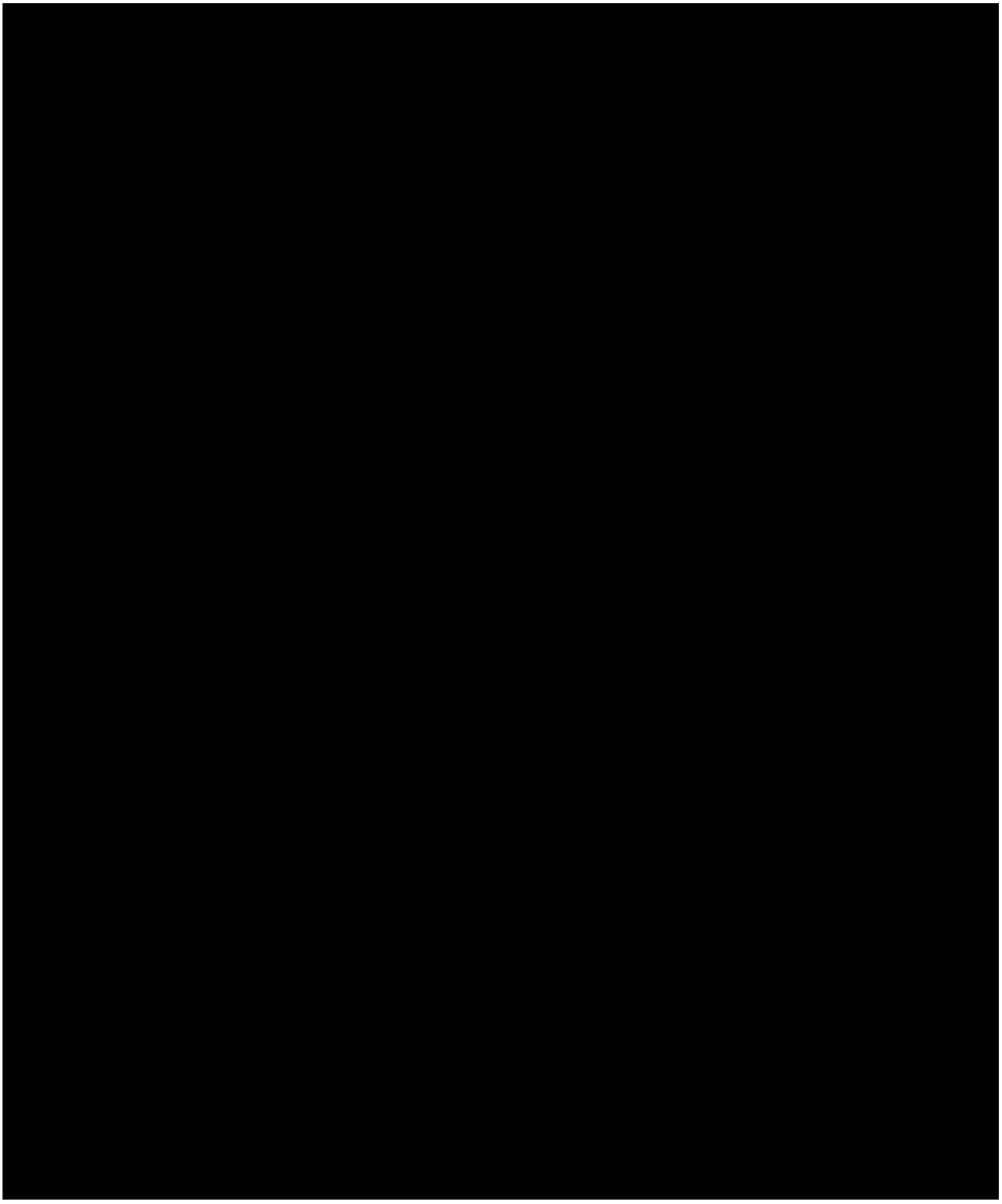












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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

Acknowledgments: Special thanks to Angela Mann, Ph.D., BCBA, Noelle DeLaCruz, Psy.D., MA, NCSP, Mary Alice Myers, Ed.D., Alicia Scott, Ph.D., NCSP, and Lauren Parker, Psy.S. for their involvement in writing this guidance.

This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Monday, August 22, 2022 2:55 PM
To: denise.hook@beaufort.k12.sc.us
Subject: FASP Info Session on HB1557 Guidance
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP Information Session

Join Our Meeting to Discuss Our HB1557 Guidanc

Dear Colleagues,

As you have likely seen by now, FASP has created guidance surrounding HB1557 Parent in Education including our interpretation to impact on practice as well as impact to student have not read the guidance which has been vetted by a legal team, it is attached.

We realize that many of you still may have questions surrounding this guidance and so we scheduled an info session for **Monday, August 29th at 7:30p** via Zoom. In order to parti the session, you will need to register via this link and then will be provided with more infor about how to join the session after your registration is completed.

Please note that, given the sensitive nature of our discussion, we are requiring that you pr
with the district you are employed in as well as your current role. This information will not
shared with other participants, but allows us to verify your identity and enables us to provi
more secure environment for discussion. You will also have an opportunity to share any c
you may already have with us when you register for the info session so we can do our bes
answers for you.

We hope to see you there.

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Monday, August 22, 2022 2:55 PM
To: leah.greco@beaufort.k12.sc.us
Subject: FASP Info Session on HB1557 Guidance
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP Information Session

Join Our Meeting to Discuss Our HB1557 Guidanc

Dear Colleagues,

As you have likely seen by now, FASP has created guidance surrounding HB1557 Parent in Education including our interpretation to impact on practice as well as impact to student have not read the guidance which has been vetted by a legal team, it is attached.

We realize that many of you still may have questions surrounding this guidance and so we scheduled an info session for **Monday, August 29th at 7:30p** via Zoom. In order to parti the session, you will need to register via this link and then will be provided with more infor about how to join the session after your registration is completed.

Please note that, given the sensitive nature of our discussion, we are requiring that you pr
with the district you are employed in as well as your current role. This information will not
shared with other participants, but allows us to verify your identity and enables us to provi
more secure environment for discussion. You will also have an opportunity to share any c
you may already have with us when you register for the info session so we can do our bes
answers for you.

We hope to see you there.

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Monday, August 22, 2022 2:55 PM
To: patricia.cooper@beaufort.k12.sc.us
Subject: FASP Info Session on HB1557 Guidance
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP Information Session

Join Our Meeting to Discuss Our HB1557 Guidanc

Dear Colleagues,

As you have likely seen by now, FASP has created guidance surrounding HB1557 Parent in Education including our interpretation to impact on practice as well as impact to student have not read the guidance which has been vetted by a legal team, it is attached.

We realize that many of you still may have questions surrounding this guidance and so we scheduled an info session for **Monday, August 29th at 7:30p** via Zoom. In order to parti the session, you will need to register via this link and then will be provided with more infor about how to join the session after your registration is completed.

Please note that, given the sensitive nature of our discussion, we are requiring that you pr
with the district you are employed in as well as your current role. This information will not
shared with other participants, but allows us to verify your identity and enables us to provi
more secure environment for discussion. You will also have an opportunity to share any c
you may already have with us when you register for the info session so we can do our bes
answers for you.

We hope to see you there.

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Monday, August 22, 2022 2:54 PM
To: kristin.anderson@beaufort.k12.sc.us
Subject: FASP Info Session on HB1557 Guidance
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP Information Session

Join Our Meeting to Discuss Our HB1557 Guidanc

Dear Colleagues,

As you have likely seen by now, FASP has created guidance surrounding HB1557 Parent in Education including our interpretation to impact on practice as well as impact to student have not read the guidance which has been vetted by a legal team, it is attached.

We realize that many of you still may have questions surrounding this guidance and so we scheduled an info session for **Monday, August 29th at 7:30p** via Zoom. In order to parti the session, you will need to register via this link and then will be provided with more infor about how to join the session after your registration is completed.

Please note that, given the sensitive nature of our discussion, we are requiring that you pr
with the district you are employed in as well as your current role. This information will not
shared with other participants, but allows us to verify your identity and enables us to provi
more secure environment for discussion. You will also have an opportunity to share any c
you may already have with us when you register for the info session so we can do our bes
answers for you.

We hope to see you there.

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Thursday, August 18, 2022 12:17 PM
To: denise.hook@beaufort.k12.sc.us
Subject: FASP FLASH: ICYMI FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

ICYMI FASP Releases Guidance on HB1557 Parental Ri Education

Dear Advocates,

On Saturday, 8/13/22, we released guidance developed by FASP and run through a legal related to HB1557 Parental Rights in Education. The guidance (which we've attached aga explains our interpretation of legal precedent and the parameters of the current legislation always, you are encouraged to consult and defer to your supervisors and potentially your legal team for further information about how your employers are interpreting this bill. We a

recognize the interpretations around this legislation are fluid and announcements and upd
changing rapidly.

It is very important to us that district and state leaders know that FASP is here to support
families, LGBTQ+ youth, and the work that districts are doing to ensure these youth are p
while following the law. Toward this end, we've been strategic about our dissemination an
messaging around this document.

We're very pleased to hear that the guidance is being used and read. If you or your collea
district leadership have questions about the guidance or would like to chat with FASP furth
this information, please encourage them to reach out to me at fasppres@gmail.com.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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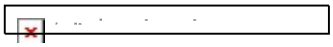



Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

Acknowledgments: Special thanks to Angela Mann, Ph.D., BCBA, Noelle DeLaCruz, Psy.D., MA, NCSP, Mary Alice Myers, Ed.D., Alicia Scott, Ph.D., NCSP, and Lauren Parker, Psy.S. for their involvement in writing this guidance.

This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Thursday, August 18, 2022 12:17 PM
To: leah.greco@beaufort.k12.sc.us
Subject: FASP FLASH: ICYMI FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

ICYMI FASP Releases Guidance on HB1557 Parental Ri Education

Dear Advocates,

On Saturday, 8/13/22, we released guidance developed by FASP and run through a legal related to HB1557 Parental Rights in Education. The guidance (which we've attached aga explains our interpretation of legal precedent and the parameters of the current legislation always, you are encouraged to consult and defer to your supervisors and potentially your legal team for further information about how your employers are interpreting this bill. We a

recognize the interpretations around this legislation are fluid and announcements and upd
changing rapidly.

It is very important to us that district and state leaders know that FASP is here to support
families, LGBTQ+ youth, and the work that districts are doing to ensure these youth are p
while following the law. Toward this end, we've been strategic about our dissemination an
messaging around this document.

We're very pleased to hear that the guidance is being used and read. If you or your collea
district leadership have questions about the guidance or would like to chat with FASP furth
this information, please encourage them to reach out to me at fasppres@gmail.com.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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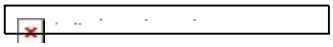



Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Thursday, August 18, 2022 12:16 PM
To: kristin.anderson@beaufort.k12.sc.us
Subject: FASP FLASH: ICYMI FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

ICYMI FASP Releases Guidance on HB1557 Parental Ri Education

Dear Advocates,

On Saturday, 8/13/22, we released guidance developed by FASP and run through a legal related to HB1557 Parental Rights in Education. The guidance (which we've attached aga explains our interpretation of legal precedent and the parameters of the current legislation always, you are encouraged to consult and defer to your supervisors and potentially your legal team for further information about how your employers are interpreting this bill. We a

recognize the interpretations around this legislation are fluid and announcements and upd
changing rapidly.

It is very important to us that district and state leaders know that FASP is here to support
families, LGBTQ+ youth, and the work that districts are doing to ensure these youth are p
while following the law. Toward this end, we've been strategic about our dissemination an
messaging around this document.

We're very pleased to hear that the guidance is being used and read. If you or your collea
district leadership have questions about the guidance or would like to chat with FASP furth
this information, please encourage them to reach out to me at fasppres@gmail.com.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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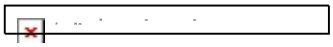



Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Thursday, August 18, 2022 12:16 PM
To: patricia.cooper@beaufort.k12.sc.us
Subject: FASP FLASH: ICYMI FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

ICYMI FASP Releases Guidance on HB1557 Parental Ri Education

Dear Advocates,

On Saturday, 8/13/22, we released guidance developed by FASP and run through a legal related to HB1557 Parental Rights in Education. The guidance (which we've attached aga explains our interpretation of legal precedent and the parameters of the current legislation always, you are encouraged to consult and defer to your supervisors and potentially your legal team for further information about how your employers are interpreting this bill. We a

recognize the interpretations around this legislation are fluid and announcements and upd changing rapidly.

It is very important to us that district and state leaders know that FASP is here to support families, LGBTQ+ youth, and the work that districts are doing to ensure these youth are p while following the law. Toward this end, we've been strategic about our dissemination an messaging around this document.

We're very pleased to hear that the guidance is being used and read. If you or your collea district leadership have questions about the guidance or would like to chat with FASP furth this information, please encourage them to reach out to me at fasppres@gmail.com.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Florida Association of School Psychologists • 2774 East Colonial Drive, Suite C #1133, Orlando, Florida 32803, United States • 904-990-4374

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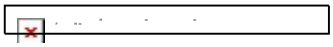



Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Saturday, August 13, 2022 1:27 PM
To: denise.hook@beaufort.k12.sc.us
Subject: FASP FLASH: FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

FASP Releases Guidance for Members on HB155

Dear Advocates,

We are aware that HB1557 Parental Rights in Education (aka The Don't Say Gay law) has number of challenges for our members including confusion about the impact of this legisla practice.

In an effort to clarify what this law requires, FASP has developed guidance for members th explains our interpretation of legal precedent and the parameters of the current legislation have run this through a legal team to ensure accuracy, but as always, you are encouraged

consult and defer to your supervisors and potentially your district's legal team for further information about how your employers are interpreting the bill.

We are in the process of developing an webinar for a chance to learn more. Please stay t the meantime, we hope you find this guidance helpful to your efforts in supporting LGBTQ families, and staff you are serving in your local community.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent: Saturday, August 13, 2022 1:27 PM
To: leah.greco@beaufort.k12.sc.us
Subject: FASP FLASH: FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

FASP Releases Guidance for Members on HB155

Dear Advocates,

We are aware that HB1557 Parental Rights in Education (aka The Don't Say Gay law) has number of challenges for our members including confusion about the impact of this legisla practice.

In an effort to clarify what this law requires, FASP has developed guidance for members th explains our interpretation of legal precedent and the parameters of the current legislation have run this through a legal team to ensure accuracy, but as always, you are encouraged

consult and defer to your supervisors and potentially your district's legal team for further information about how your employers are interpreting the bill.

We are in the process of developing an webinar for a chance to learn more. Please stay t the meantime, we hope you find this guidance helpful to your efforts in supporting LGBTQ families, and staff you are serving in your local community.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Florida Association of School Psychologists • 2774 East Colonial Drive, Suite C #1133, Orlando, Florida 32803, United States • 904-990-4374

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From:	fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
Sent:	Saturday, August 13, 2022 1:26 PM
To:	patricia.cooper@beaufort.k12.sc.us
Subject:	FASP FLASH: FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments:	FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

FASP Releases Guidance for Members on HB155

Dear Advocates,

We are aware that HB1557 Parental Rights in Education (aka The Don't Say Gay law) has number of challenges for our members including confusion about the impact of this legisla practice.

In an effort to clarify what this law requires, FASP has developed guidance for members th explains our interpretation of legal precedent and the parameters of the current legislation have run this through a legal team to ensure accuracy, but as always, you are encouraged

consult and defer to your supervisors and potentially your district's legal team for further information about how your employers are interpreting the bill.

We are in the process of developing an webinar for a chance to learn more. Please stay t the meantime, we hope you find this guidance helpful to your efforts in supporting LGBTQ families, and staff you are serving in your local community.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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Florida Association of School Psychologists • 2774 East Colonial Drive, Suite C #1133, Orlando, Florida 32803, United States • 904-990-4374

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Guidance on Supporting LGBTQ+ Youth Following the Passage of HB1557

Finalized on August 13, 2022

The Florida Association of School Psychologists (FASP) understands that many school psychologists are interested in gaining a better understanding of how the enactment of HB1557 Parental Rights in Education into law on July 1, 2022, impacts their practice in schools.

To address these concerns, FASP is providing you with preliminary guidance regarding FASP's interpretation of HB 1557 and its potential impact on the practice of school psychology in Florida. As you might imagine, the implementation of this legislation by the Florida Department of Education ("FDOE") and the state's school districts is a dynamic process. There is active litigation ongoing in at least two Federal courts in Florida concerning the law and its constitutionality. Additionally, the legislation requires the state's school districts to adopt certain parental notification procedures. FDOE is also required to adopt rules and provide necessary forms with respect to certain provisions contained in the bill but has yet to announce any proposed rulemaking or related workshops on this subject. FASP will be sure to actively monitor any proposed rules related to HB 1557 and continue advocating in the best interest of our students and families.

FDOE, on June 6, 2022, provided a limited memorandum summarizing HB 1557. However, in litigation related to the newly enacted law, the FDOE has provided some additional interpretation.[i] Given the fluid nature of these ongoing matters related to this issue, please consider this guidance preliminary in nature and subject to change. Additionally, **this guidance is not meant to replace or conflict with any guidance provided by the FDOE or the various school districts. We encourage you to defer to any guidance which may be provided by FDOE and consult with your school district's legal team for advice when navigating these nuanced and sensitive situations.**

ETHICAL CONSIDERATIONS

FASP believes that HB 1557 conflicts with the ethical code applicable to school psychologists. **When there is a conflict between the law and our ethics, we are required to follow the law while actively working to change it.** More specifically, we are concerned that HB 1557 conflicts with our Guiding Principle 1.3 related to Fairness, Equity, and Justice. Within this guiding principle, we have as a profession agreed that:

> *"In their words and actions, school psychologists promote fairness and social justice. They use their expertise to cultivate school climates that are safe, welcoming, and equitable to all persons regardless of actual or perceived characteristics, including race, ethnicity, color, religion, ancestry, national origin, immigration status, socioeconomic status, primary language, gender, sexual*

orientation, gender identity, gender expression, disability, or any other distinguishing characteristics."

Our standards within this guiding principle give us more specific information about what this means in terms of our practice. Standard 1.3.1 related to Discrimination states: "*School psychologists do not engage in or condone actions or policies that discriminate against persons, including students and their families, other recipients of service, supervisees, and colleagues based on actual or perceived characteristics."* Relatedly, Standard 1.3.2 related to Correcting Discriminatory Practices states that we ***"****work to correct school practices that are unjustly discriminatory or that deny students or others their legal rights. School psychologists take steps to foster a school climate that is supportive, inclusive, safe, accepting, and respectful toward all persons."*

Additionally, our ethical code gives us specific guidance related to the privacy of individuals who identify as LGBTQ+. Standard 1.2.5 pertaining to Privacy Related to Sexual Orientation and Gender Identity and Expression states that "*school psychologists respect the right of privacy of students, parents, and colleagues with regard to sexual orientation, gender identity, or transgender status. They do not share information about the sexual orientation, gender identity, or transgender status of a student (including minors), parent, or school employee with anyone without that individual's permission."*

HB 1557 prohibits classroom instruction by school personnel or third parties on sexual orientation or gender identity in Kindergarten through grade 3. Further, given that instruction surrounding gender identity or sexual orientation in other grades must be age or developmentally appropriate, which the state has yet to define, we are concerned that this law will have a harmful impact on the school and staff's ability to create inclusive, safe, accepting, and respectful school climates which are necessary in providing protections for youth who identify as LGBTQ+ or who come from diverse families. **Therefore, we as school psychologists must collectively act to mitigate harms associated with this legislation, including working with our supervisors and school district leadership to understand best practices in supporting families. We also recognize, given the legal challenges to the law, the application of best practices provided by our school districts and FDOE may change over time.**

IMPACT ON THE SCOPE OF THE PRACTICE OF SCHOOL PSYCHOLOGY

FASP is concerned that HB 1557 will impact our practice and lead to unintentional consequences for Florida's students and families, including restricting the rights of students. Our ethical code also states in Standard 3.2.3 relating to the Priority of Child Welfare that "*The school psychologist's commitment to protecting the rights and welfare of children and youth is communicated to the school administration, staff, and others as their highest priority in providing services. School psychologists are ethically obligated to speak up for the interests and rights of students and families even when it may be difficult to do so."* We understand that nothing in the HB 1557 alters our ethical code and scope of practice obligations.

HB1557 impacts our ability to affirm the rights and welfare of students, including the right to privacy and, consequently, student willingness to access mental health services through their school. We are concerned that HB 1557 will make it more difficult to establish open lines of communication with students AND limit our ability to ensure a certain amount of confidentiality in addressing student mental health-related concerns.

HB1557 also may result in school districts creating rules or policies that require us to treat certain groups of students, families, or staff differently than we treat others. While the language of HB1557 does not directly require such rules or policies, the vague language of the law results in districts across Florida interpreting the law very differently. For example, some school districts may require staff to disclose students' sexual orientation or relationship status if identifying as LGBTQ+ or gender diverse but not for students who identify as heterosexual or gender-conforming. Some districts may also enact restrictions in the ability to utilize affirming practices such as referring to students by their affirmed name and gender pronouns or displaying visible ally cues (e.g., Safe Space stickers). **Consequently, it is critical that we work with district leadership to safeguard the ability to reaffirm students' identities, uplift their value and resiliency, and support youth within the reasonable and clear bounds of confidentiality.**

HARM TO STUDENTS

Sadly, we know that similar legislation in other states has had other impacts on LGBTQ+ youth. After the introduction of a rash of anti-trans legislation around the country last year, youth reported to The Trevor Project that such legislation has led to worsening mental health for LGBTQ+ youth. Specifically, the Trevor Project noted that 94% of LGBTQ+ students said that recent politics have negatively impacted their mental health. More than 40% of these same youth also reported having considered suicide in the previous year.

According to the 2021 Youth Risk Behavior Survey, 24.9% of students identified as lesbian, gay, bisexual, or unsure of their sexual orientation - approximately 705,462 students. Recent YRBS data specific to Florida suggested that LGBTQ+ youth who are already significantly more likely to experience bullying in schools, were also more likely to be threatened with a weapon or miss school because they felt unsafe. LGBTQ+ youth were also significantly more likely to experience mental health concerns relative to heterosexual youth including:

- 68.1% reporting symptoms of depression;
- 33.9% seriously considered attempting suicide;
- 22.6% made a suicide attempt (compared to 4.6% of their heterosexual peers).

Disturbingly, suicide attempt trends for LGBTQ+ youth over the past decade were on a steady decline until last year when the first parental rights bill passed. This is while rates of attempts at suicide remained stable for heterosexual youth. Further, the 2021 YRBS found that, in Florida, 1.7% of students identify as transgender - extrapolated to approximately 48,164 students.

Students who are transgender are drastically more likely than cisgender students to report victimization, violence, substance use, and suicide risk.

Devastatingly, nearly half of all students who reported a desire for counseling from a mental health professional also reported they have not been able to receive it.[ii] We worry that fears of being outed due to this legislation may now make youth feel unsafe to come forward and seek services when they are struggling. This only compounds the concern we feel for youth experiencing these feelings. **As such, it is critical that we continue to champion access to school-based mental health services for youth, including letting students know that we are still here for them and can be a resource to find the help they need.**

LEGAL PROTECTIONS

As you work with your school districts in navigating student support services through the lens of HB1557, it is important to note that Federal law does provide protections and rights for LGBTQ+ youth under Title IX. The US DOE has determined that the interpretation of sex discrimination set out by the Supreme Court in Bostock v. Clayton County, Ga., 140 S. Ct. 1731 (2020) encompasses discrimination based on sexual orientation and gender identity. The US DOE's interpretation is further supplemented by the *Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*, which reiterates that Title IX violations will be investigated and Title IX protections enforced, inclusive of sexual orientation and gender identity. However, it should be noted that while the US DOE's interpretation has been challenged, districts are carefully navigating areas where the US DOE and FDOE have conflicting interpretations.

Last year, 20 states brought an action against U.S. DOE and the EEOC stating that their guidance was unlawful, because it violated the Administrative Procedure Act and the Tenth Amendment. The states also sought a preliminary injunction from enforcing the guidance. The preliminary injunction was granted on July 15, 2022, by the U.S. District Court for the Eastern District of Tennessee in Tennessee v. U.S. Dept. of Education (Case No. 3:21-cv-308). In granting the injunction, the Court found that plaintiffs demonstrated a likelihood of success on their claim that the guidance documents were legislative rules that had to go through notice and comment rulemaking. The Court also stated that US DOE expanded the Bostock opinion through its guidance documents. The federal agencies have not yet appealed the ruling. With the injunction in place, the guidance documents from the US DOE and EEOC cannot be enforced in the 20 states that brought the action. **Florida is not one of the 20 states involved in the case as a plaintiff.**

In navigating these highly complex and sensitive situations, school districts, considering the parental notification provisions contained in HB 1557, will also have to balance the competing and sometimes conflicting interests of parents and students, recognizing the fundamental rights of parents to direct the upbringing and education of their children and the fundamental rights of students to privacy and autonomy. When considering disclosure of a student's sexual orientation or gender identity, which FASP believes intrudes on the student's fundamental right to privacy,

school professionals must carefully consider whether there is a compelling reason for doing so (i.e., does the Florida Education Code mandate disclosure, is the disclosure necessary to protect the safety or health of the student or is the disclosure gratuitous in response to mere parental curiosity) and how to accomplish it through the least intrusive means. Finally, in weighing the competing interests, the individual circumstances of the student should always be considered (i.e., the age and maturity of the student, the circumstances necessitating the disclosure, whether the student is "out" to their parents/family, whether disclosure of the student's sexual orientation or gender identity would result in abuse, abandonment, or neglect as those terms are defined by Florida law).

Importantly, when considering whether to contact a parent/guardian as required under HB 1557, certain information may need to be withheld "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

BEST PRACTICE CONSIDERATIONS

School psychologists will have to fully understand and be cognizant of the forthcoming school district policies required by HB 1557 concerning parental notification and the option of parents to withhold consent or decline any specific healthcare service offered by the school district. School psychologists should continue to collaborate and work with their respective school districts and supervisors to elevate the rights and needs of students who are LGBTQ+ and ensure that practice recommendations take all mental health concerns into account. The following talking points may be useful as you navigate through conversations with school district personnel:

- A parent or guardian can petition the court to obtain a legal name and gender marker change on their child's behalf. Once this has happened, the family can assert their rights under FERPA to amend the student's records to reflect this change. When families or students are unable to obtain official court documentation, a transgender student can still be addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication.

- While LGBTQ+ students have the right to participate in the decision-making process for deciding when and to whom their gender identity and sexual orientation are shared, unless it is related to the student's mental, emotional, or physical health or well-being and parental notification of the same, school district personnel may not discourage or prohibit parental notification of, and involvement in, critical decisions affecting a student's mental, emotional, or physical health or well-being. As school psychologists strive to facilitate conversations with parents and work toward healthy home environments for youth in keeping with our best practices.

- Simple knowledge of a student's sexual orientation or gender identity, without related concerns about the student's health, safety, or well-being, does not automatically require disclosure.

- Students may dress in ways that are consistent with their gender identity and/or gender expression while still abiding by the school district's dress code policy, including at any school-sponsored events or activities. Dress code policies must be enforced equally amongst all students, irrespective of sexual orientation, gender identity, or gender expression.

- All students who have a need for increased privacy should have access to appropriate accommodations. If accommodations are desired, decisions should be made on a case by case basis, and be student driven, with the participation of district staff and parents.

- All students have the right to form and participate in a Gender and Sexuality Alliance (GSA) as they would any other club.

WORKING WITH FAMILIES

We know that family connectedness is a protective factor for students. It is critical that our schools help to build strong connections between youth and their families. When a child feels safe and affirmed at home, in the community, and at school, their likelihood of being a successful adult increases. It is important to note that according to the Family Acceptance Project, gay and transgender youth who experience higher levels of family acceptance are much more likely to believe they would have a good life and would be happy, productive adults. Many LGBTQ+ youth do have supportive and affirming parents; however, upon learning about the LGBTQ+ identity of their child, parents and caregivers will display a range of reactions. Families may experience confusion and concern which can lead to ambivalence, and in some cases, rejection.

Data gathered by the Family Acceptance Project indicates that LGBTQ+ youth who experience high levels of family acceptance are:

- Three times less likely to have attempted suicide
- Less likely to be depressed
- Less likely to have substance abuse problems

Regardless of the degree of parental support, the goal of school psychologists is to first and foremost ensure the safety and wellbeing of the student. For students who experience family rejection, it is essential to provide resources to parents and families to help ensure they have the tools to support the child. School psychologists are trained and prepared to support students in having important conversations with their families when possible and appropriate. As in all cases, our role is to help students work through their thoughts and feelings on sensitive issues and assist students in finding the tools and means to talk with their parents and guardians in a supported environment.

Supportive parents of LGBTQ youth have a right to request that affirming behavior that occur at home are also implemented in school. All families have a right be involved in these critical decisions related to the upbringing and safety of their children and educators should respect the requests of affirming parents seeking support for their child. A "gender support plan" can help to ensure that a student has access to a positive and affirming learning environment and that their needs are met with consistency. A "gender support plan" is an optional tool that can be utilized upon request of the student or parent but should only be developed in partnership with a student, their parents/guardians, and appropriate school district personnel. Based on HB 1557, the creation and implementation of a gender support plan for a minor student requires parental notification.

FREQUENTLY ASKED QUESTIONS

Overview

Presently, HB 1557 does not specifically define whether "school district personnel" includes school psychologists. However, if the school district is your employer, we believe you should assume you are "school district personnel" under HB 1557. Even if you are not employed directly by your school district (i.e., you contract with the school district through your private business), we believe you should also assume HB 1557 applies to your actions when working with students, particularly considering some of the punitive language in the Florida Parents' Bill of Rights (F.S. Chapter 1014). At this early point in our attempt to understand the impact of this legislation it is prudent to assume the law will be applied broadly by FDOE.

General Questions

1. **How do school psychologists support families and students?**

   Answer: There are a number of ways that school psychologists work in concert with families and other school-based professionals to create positive outcomes for youth. School psychologists are trained to assess for, and design interventions related to academic performance, mental health, and behavioral health. We are trained in providing systems-level consultation and support across tiers for students ranging from universal or Tier I (meaning designed for all students), to selective or Tier II (meaning designed for students who are struggling) or indicated or Tier III (meaning designed for students who are demonstrating significant and intensive needs). Finally, school psychologists are trained in home-school collaboration, meaning that we work with families to support the needs of not only the student but also the entire family.

2. **Why is it important to support families and LGBTQ+ students?**

Answer: As previously mentioned, LGTBQ+ students who are rejected by their families can feel isolated and unwanted leading to a significantly greater risk for mental health challenges, suicidality, drug abuse, and sexually transmitted diseases. On the other hand, families who are open to talking with their child about their LGBTQ+ identity, who support that identity, or are at least willing to learn more about such can positively impact their child's wellbeing and trajectory in life. Parents can support their child's identity in many ways including advocating for and demanding respect for their LGBTQ+ youth, welcoming their child's friends and partners into their home, supporting their child's gender expression, and expressing affection when they learn of their child's LGBTQ+ status. School psychologists can work with families to explore their own feelings about their child's identity and orientation in order to be more supportive caregivers to their child.

3. **What resources are available to support families and students?**

Answer: The Family Acceptance Project's *Supportive Families, Healthy Children,* and Helping Diverse Families Learn to Support Their LGBTQ+ Children guides are resources that can be shared with families on a journey of raising LGBTQ+ youth. Additionally, families can be connected with local Parents, Families, and Friends of Lesbians and Gays (PFLAG) chapters for additional family-to-family support.

Affirming Student Identity & Sexual Orientation

1. **Have LGBTQ+ youth lost all their rights and protections under HB 1557?**

Answer: No. LGBTQ+ youth have more protections in 2022 than ever before. US DOE has made clear that all schools receiving federal funding must follow federal civil rights law, including Title IX's protections against discrimination based on sex. As noted earlier in this document, US DOE takes the position that sex discrimination includes discrimination based on sexual orientation and gender identity. In addition, the U.S. Secretary of Education specifically stated that he and US DOE "stand with our LGBTQ+ students in Florida and across the country and urge Florida leaders to make sure all their students are protected and supported."

Our school districts still have the obligation to ensure every child who steps into a school or classroom is free from bullying, harassment, and discrimination. However, as noted above, many of these issues are being actively litigated in our courts and much will depend on the outcome of these various cases. Moreover, as also noted above, rulemaking by FDOE has yet to commence and school districts are just now issuing their required polices required by HB1557 at the start of the school year.

2. **If a school psychologist is facilitating a group (e.g., behavior, social, and life skills groups, counseling as a related service, etc.) at the secondary level and the topic**

of sexuality and/or gender identity is brought up by students, may the school psychologist continue the conversation?

Answer: Yes, if the conversation does not involve any change in a minor 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.

HB1557 only prohibits "classroom instruction" on sexual orientation or gender identity in Kindergarten through grade 3. The Florida Department of Education has yet to release rules or guidance regarding what age-appropriate or developmentally appropriate discussion looks like for grade levels beyond K-3 or whether such discussion can even be considered "classroom instruction."

3. **Am I allowed to wear lanyards or other clothing or show my support through posters and stickers that indicate support for LGBTQ+ students?**

   Answer: Yes. Educational professionals including school psychologists, have the same fundamental rights to freedom of speech guaranteed by the U.S. Constitution. HB1557 does not prohibit the conduct stated in this question. This includes the ability to wear an "ally" lanyard, pin, or other rainbow symbols on clothing. However, if you intend to place a poster or sticker on the classroom wall, check your school district's policy regarding classroom decorations to ensure there are no prohibitions on placing personal items on classrooms walls.

4. **Am I allowed to sponsor or support GSAs or other groups for students who identify as LGBTQ+? Do I need to notify parents of students' participation in clubs such as GSA?**

   Answer: The **Equal Access Act** ensures that students have the right to form and participate in a **Gender and Sexualities Alliance (GSA)** club as they would any other extracurricular club. Please continue to support these spaces for youth. We know it is critical for LGBTQ+ youth to have access to safe, affirming spaces as emphasized at multiple points throughout this document. Again, HB1557 only creates parameters around classroom instruction for Kindergarten through grade 3 students. Procedures and rules regarding advertisement, sign-up, parent permission, etc. must be consistent across all extracurricular clubs. Please consult with your school's or school district's established procedures for whether parental permission is required for club and extracurricular participation.

Parental Notification and Permission

1. **HB 1557 references a "change in 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, as something that requires parental notification. What is a "change in services or monitoring?"**

   Answer: Unfortunately, HB 1557 does not define a "change in services or monitoring" related to a student's mental, emotional, or physical health or well-being. Since this language is vague, you may want to discuss with your school district how it interprets this language. Nonetheless, you should broadly interpret this language as including any actions or inaction (i.e., services or monitoring) by the school district in relation to a student's mental, emotional, or physical health or well-being.

   For school-based staff, it is fair to assume that the "services or monitoring" associated with a student are most often going to be connected to a student's socialization, behaviors, attitude, grades, attendance, and safety. As always, if there is a negative change in any of these areas, the student's parent/guardian should be contacted to consider appropriate interventions. Additionally, if an educational record is developed to address concerns or document supports for a student in these areas, parental notification is likely required. This might include a student safety plan, gender support plan, behavior monitoring plan, grade recovery plan, etc.

2. **What are the current boundaries of confidentiality when school psychologists are providing support to students in the schools?**

   Answer: Arguably HB 1557 has not altered the confidentiality boundaries that currently exist between school psychologists and the students they serve. However, as employees and/or contractors for the school districts, school psychologists will have to remain vigilant regarding future directives and guidance from the districts as well as FDOE. See the answer to question #3 below as to consent issues.

3. **If a parent/guardian and a student both sign a consent for counseling services that indicates that parents/guardians will only be notified of certain things discussed in counseling, is the parent still able to later request information that was agreed would be held confidential to the student?**

   Answer: HB 1557 provides that "parental consent to a health care service does not waive a parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's service or monitoring". FASP believes that despite our traditional consent agreements with families, parents/guardians retain the right to ask for more information about their

student's counseling discussions. Students should be made aware this condition at the onset of counseling.

School psychologists can also explain to families the importance of ensuring confidentiality in a therapeutic relationship and the impact that disclosure (without permission) can have on maintaining this trust. Additionally, if students do not feel that what they share will be maintained in confidence, they may be reluctant to share anything at all thus precluding potential benefit from counseling services. Parents should understand this is part of providing informed consent for services and know that you will want to bring parents into all conversations when it is therapeutically appropriate to do so.

4. **When must I obtain parent permission for utilizing screening tools or assessments?**

   Answer: Make sure you check with your school district. According to HB1557, before administering a student well-being questionnaire or health screening form to students in Kindergarten through grade 3, a school district must provide the parent/guardian with the questionnaire or health screening form and obtain the permission of the parent/guardian. In general, it is considered best practice to notify parents when surveys, screening tools, or assessments are provided to students so that they understand the purpose and potential benefit of the instruments.

   School districts should create internal procedures regarding parental notification and consent in relation to Multi-Tiered System of Supports (MTSS) assessment and progress monitoring. Consistent with the law, school districts cannot conduct an initial evaluation to determine eligibility for special education and related services without first providing parents/guardians with prior written notice of the proposed action and obtaining parental/guardian consent.

5. **What are the professional responsibilities of a school psychologist regarding parent notification if a student shares that they identify as LGBTQ+ to the school psychologist?**

   Answer: HB1557 does not specifically mandate that district personnel automatically disclose a student's sexual orientation or gender identity. Parental notification is necessary when there are concerns about a student's mental, emotional, or physical health or well-being, of if there is a change in the student's services or monitoring, or the school's ability to provide a safe and supportive learning environment.

   Although parent notification may not be "required" in certain circumstances, it is always a best practice to involve parents in important matters related to their children, consistent with confidentiality requirements applicable to school

psychologists. Of note, HB 1557 requires that district personnel encourage students to discuss issues related to the students' well-being with their parents/guardians or to facilitate discussion of the issues with their parents/guardians. District personnel must not discourage students from discussing their mental, emotional, or physical health with their parents/guardians.

Also, remember that certain information may need to be withheld under HB 1557 "if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect" as those terms are defined pursuant to Florida law.

Reports and Records

1. **Are my protocols now publicly available via parent request?**

   Answer: Yes. Parents have always been able to inspect protocols. Parents may not obtain copies of protocols. "Education records" are defined in the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution. These records include but are not limited to, grades, transcripts, class lists, student course schedules, health records, and student discipline files. Parents always have access to their child's educational records and simply need to contact the school to request access.

   Educational records do not include records that are: (1) kept in the sole possession of the maker, (2) are used only as a personal memory aid, and (3) are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Records must meet ALL three requirements to satisfy this exemption.

2. **Can personal notes that serve as a memory aid still be considered confidential information if not on a district-developed form or protocol?**

   Answer: Yes. It is critical that school psychologists take great care to write notes regarding student's performance on assessments or interventions separate from district forms or protocols. Please note that anything that is emailed or shared with staff then ***does*** become part of a student's education record as noted in the answer immediately above.

3. **If a student indicates an affirmed pronoun (for example, "he") that differs from their sex assigned at birth (for example, "she"), may the school psychologist use the student's affirmed or declared pronoun in psychoeducational reports at parent and student request?**

Answer: Yes. HB1557 reaffirms the parent's right to make requests such as affirmed or declared pronoun use on behalf of their student in documents such as psychoeducational reports. Best practices in the psychoeducational assessment of transgender and gender nonconforming students explain it is important that school psychologists ask students who are being evaluated their declared or affirmed pronouns for use within the report. If a student makes this request, explaining the permanency of educational records and those who will have access to the report is important as well as helping the student to understand positive and negative home consequences of doing so. School psychologists should work with the student to include the parent in decisions where records will reflect these requests. Regarding the use of an affirmed name in a psychoeducational report, a district can only modify a student's official records to reflect a legal change in name and/or gender upon receipt of such documentation from a court or official government record (such as an amended birth certificate). However, the absence of official court or government documents does not preclude a student who is transgender from being addressed by their affirmed name and pronouns on all unofficial documents and in verbal communication, particularly since we know legal modifications are typically unavailable to minors. Title IX also allows for names/pronouns to be retroactively modified after graduation or reaching the age of majority to align with a student's affirmed gender.

ADDITIONAL RESOURCES

- Florida's Psychological Services Act: F.S. Chapter 490
- Support your local GSA and PFLAG chapters
- Make your support visible with graphics and posters
- National Education Association's *What You Need to Know about Florida's "Don't Say Gay or Trans" Bill*
- Family Acceptance Project *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual, & Transgender Students*
- Family Acceptance Project *Helping Diverse Families Learn to Support Their LGBTQ Children to Prevent Health and Mental Health Risks and Promote Wellbeing*
- Supporting Trans Youth Messaging Tips and Considerations
- National Association of School Psychologists LBGTQ+ Resources
- Equality Florida Safe and Healthy Schools Project
- GLSEN Resources for Educators
- The Trevor Project Resource Center
- Transgender Law Center Youth Resource Center
- National Center for Transgender Equality Know Your Rights in Schools Resources
- Human Rights Campaign Welcoming Schools Elementary and Secondary Campaign
- American Medical Association's Preventing Suicide in LGBTQ+ Youth
- National Health Law Program Help Prevent Suicide in LGBTQ+ Youth

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This document was reviewed by legal counsel in August 2022 and was deemed legally accurate at that time. Note that this document was developed solely for the membership of the Florida Association of School Psychologists and is not intended for guidance for other groups.

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[i] State Defendants' Motion to Dismiss and Incorporated Memorandum of Law, *Equality Florida, et al, v. Ron Desantis, in his official capacity as Governor of Florida, et al*., US District Court, Northern District of Florida, Case No. 4:22-cv-134-AW-MJF (filed June 27, 2022).

[ii] The Trevor Project. *Trevor National Survey on LGBTQ Youth Mental Health 2021*.

From: fasp@memberclicks-mail.net on behalf of FASP President <fasp@memberclicks-mail.net>
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To: kristin.anderson@beaufort.k12.sc.us
Subject: FASP FLASH: FASP Releases Guidance for Members on HB1557 Parental Rights in Education
Attachments: FINAL Guidance on Supporting LGBTQ Youth Following thePassage of HB1557.pdf

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FASP FLASH ADVOCACY ALERT

FASP Releases Guidance for Members on HB155

Dear Advocates,

We are aware that HB1557 Parental Rights in Education (aka The Don't Say Gay law) has number of challenges for our members including confusion about the impact of this legisla practice.

In an effort to clarify what this law requires, FASP has developed guidance for members th explains our interpretation of legal precedent and the parameters of the current legislation have run this through a legal team to ensure accuracy, but as always, you are encouraged

consult and defer to your supervisors and potentially your district's legal team for further information about how your employers are interpreting the bill.

We are in the process of developing an webinar for a chance to learn more. Please stay t the meantime, we hope you find this guidance helpful to your efforts in supporting LGBTQ families, and staff you are serving in your local community.

With continued gratitude for your advocacy and engagement!

Angela Mann, Ph.D., BCBA
President, 2021-22
#faspadvocates #sp4sj #naspadvocates

Reach out with questions, concerns, or comments.

fasppres@gmail.com

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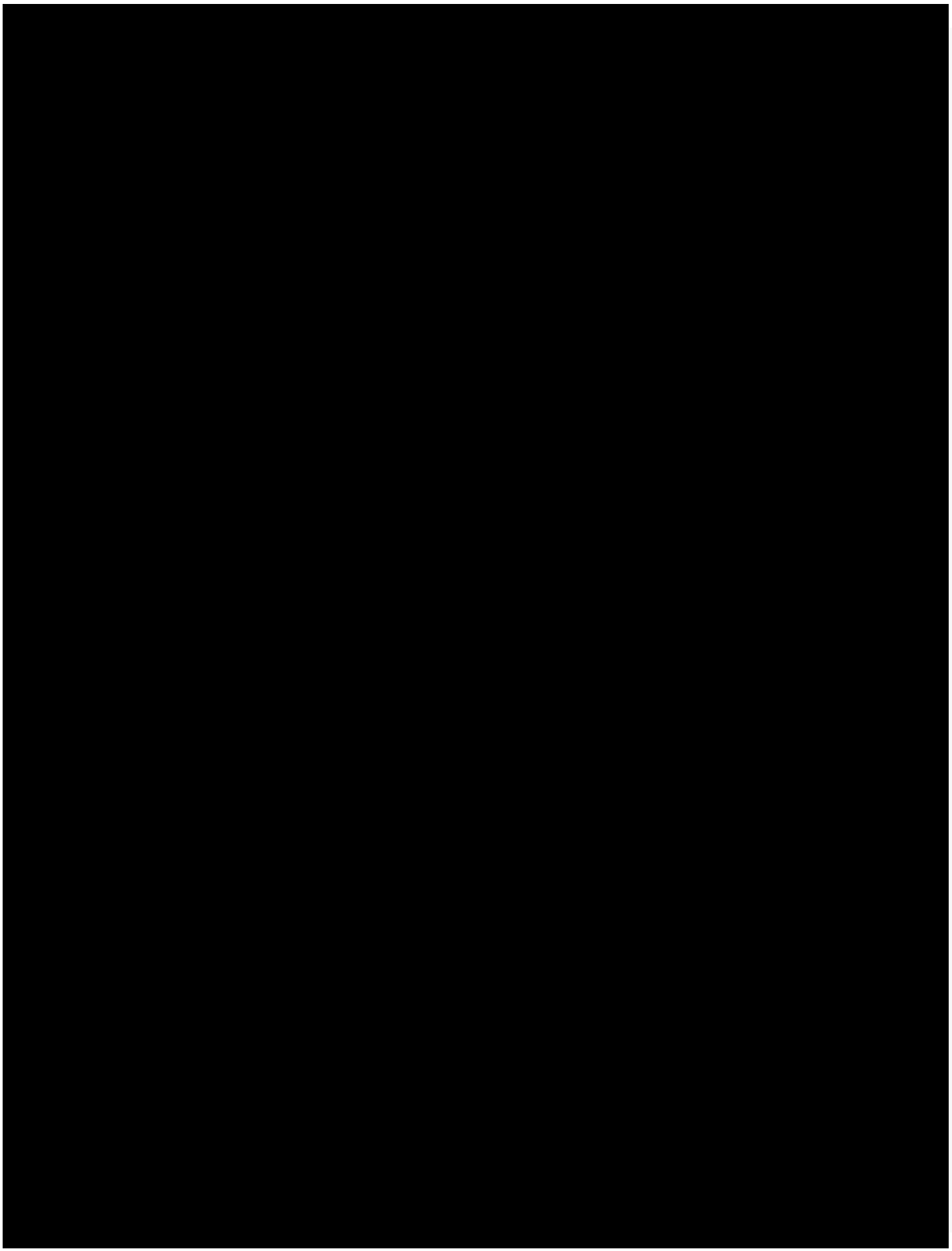

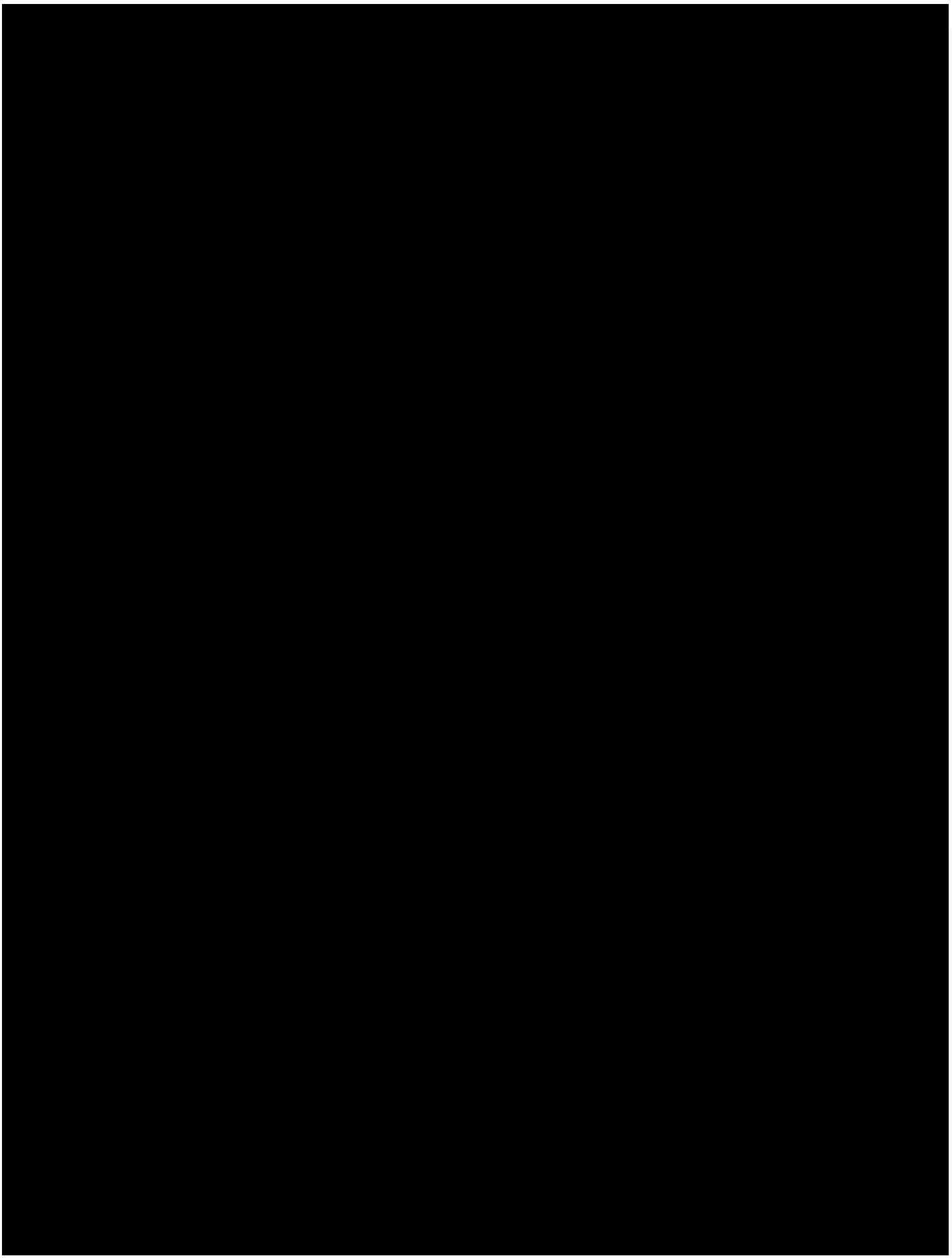

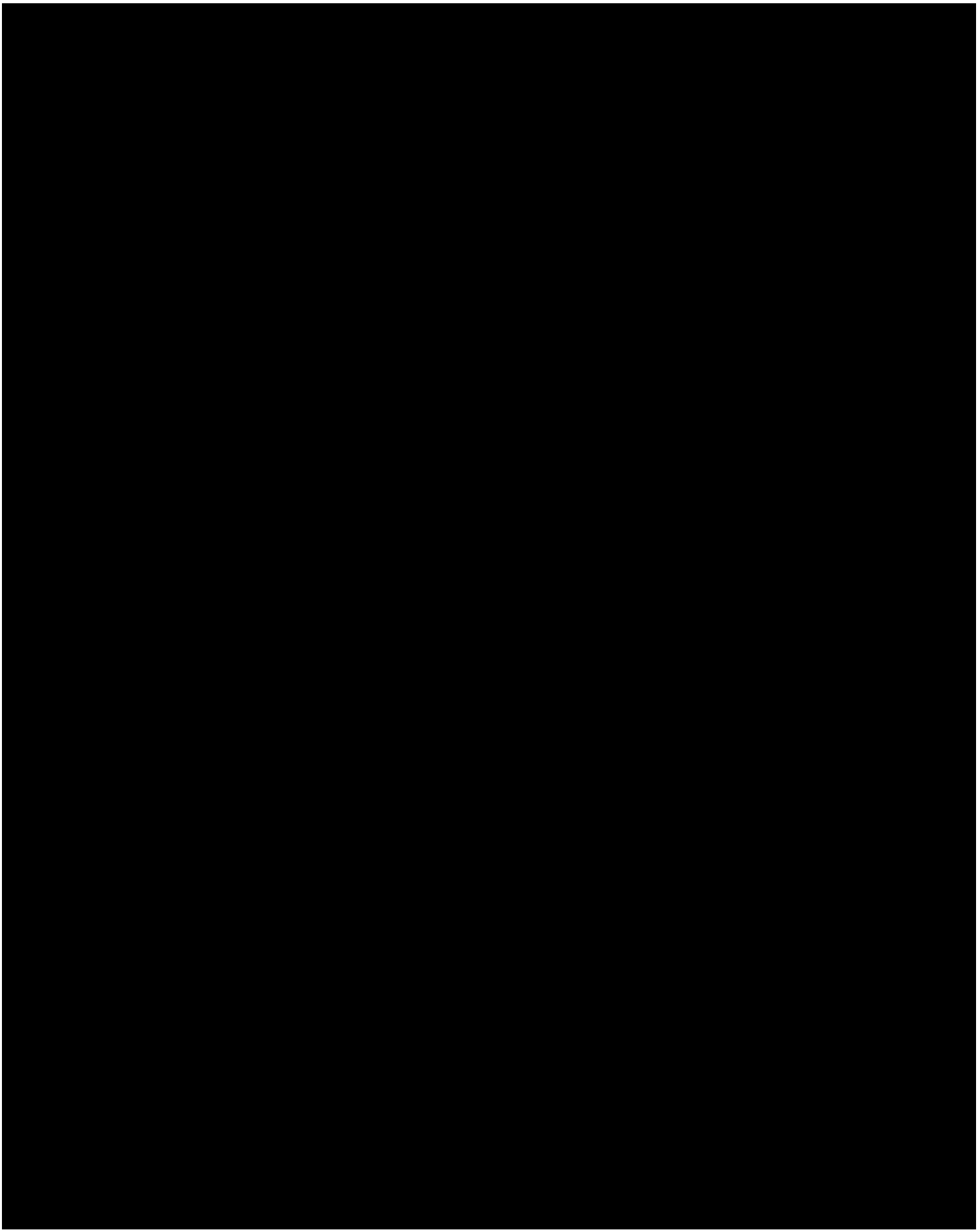

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EDITOR'S NOTE

Extra Credit: Gender Support Plan, teacher in Russian jail

Will a Florida district's Gender Support Plan be a pass or a fail? Can brand-name sneakers keep kids in school? Will a US teacher have to serve 14 years in a Russian jail? Read about these and other issues in the latest Education Extra Credit.



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Catherine O'Hara,
actor, comedian





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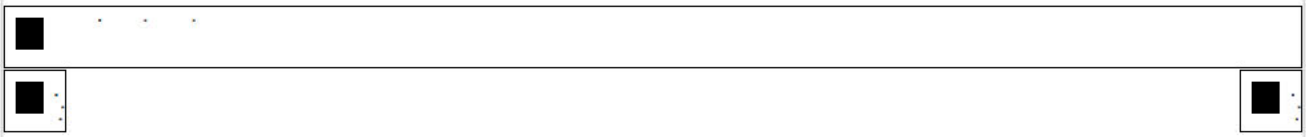

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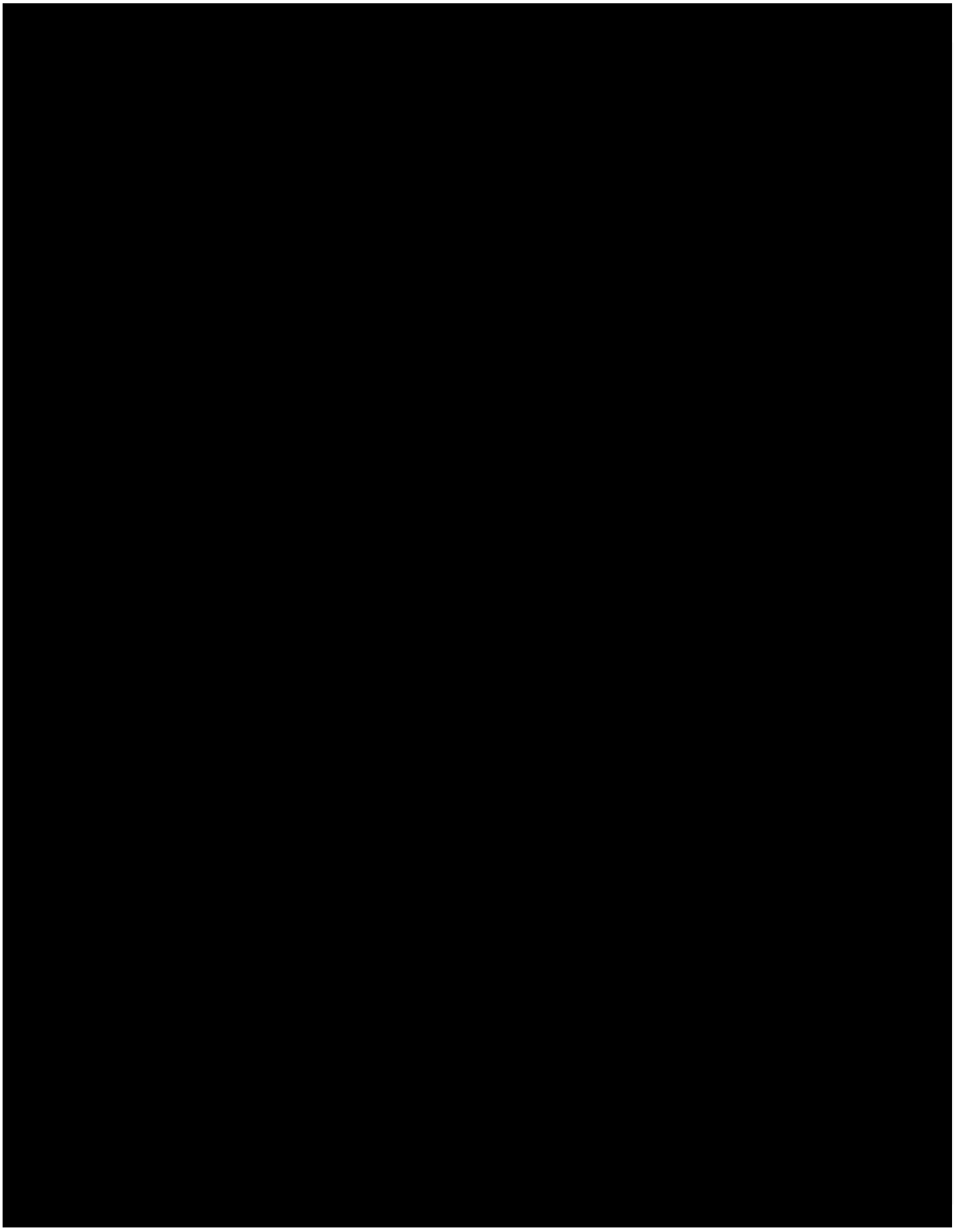

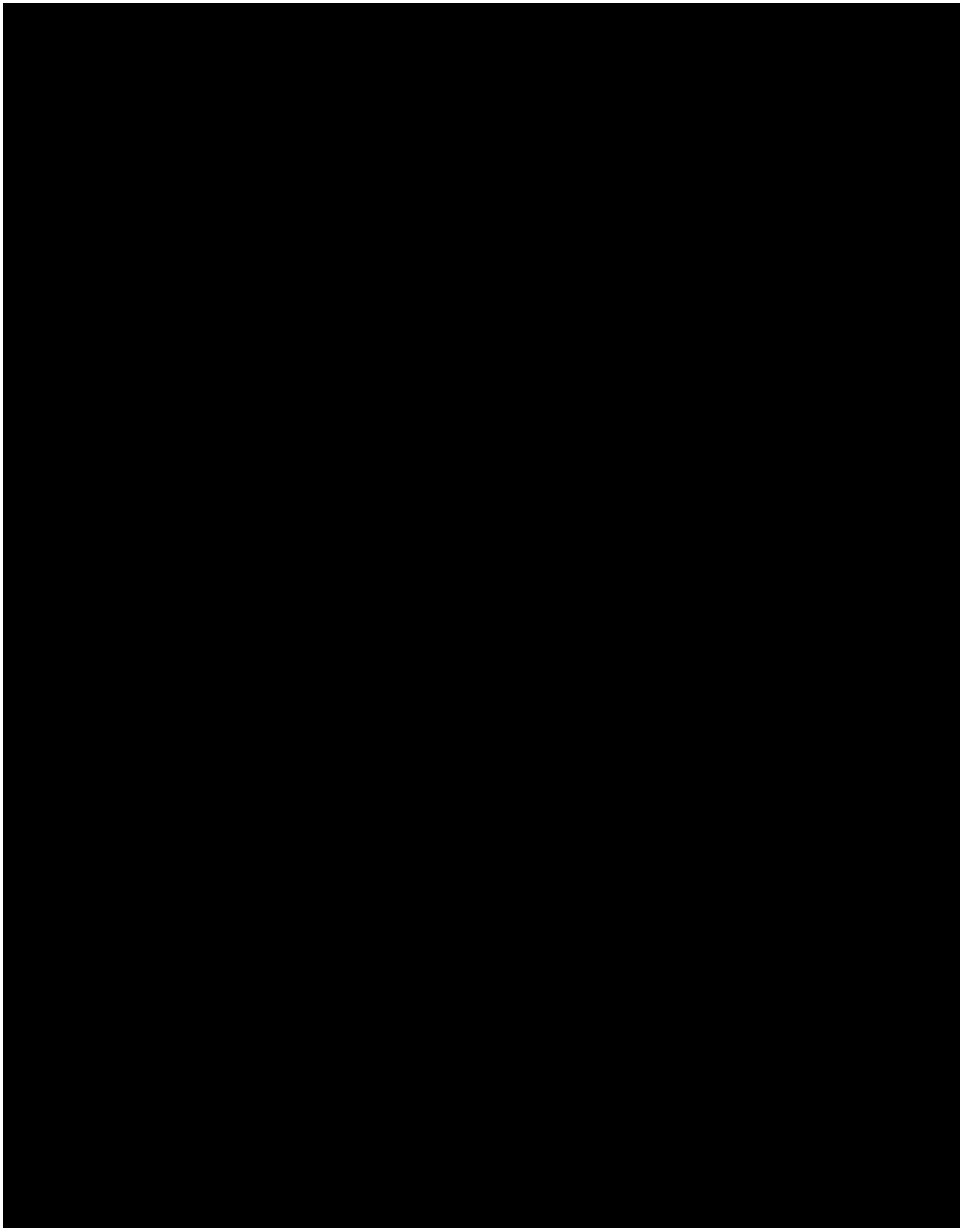

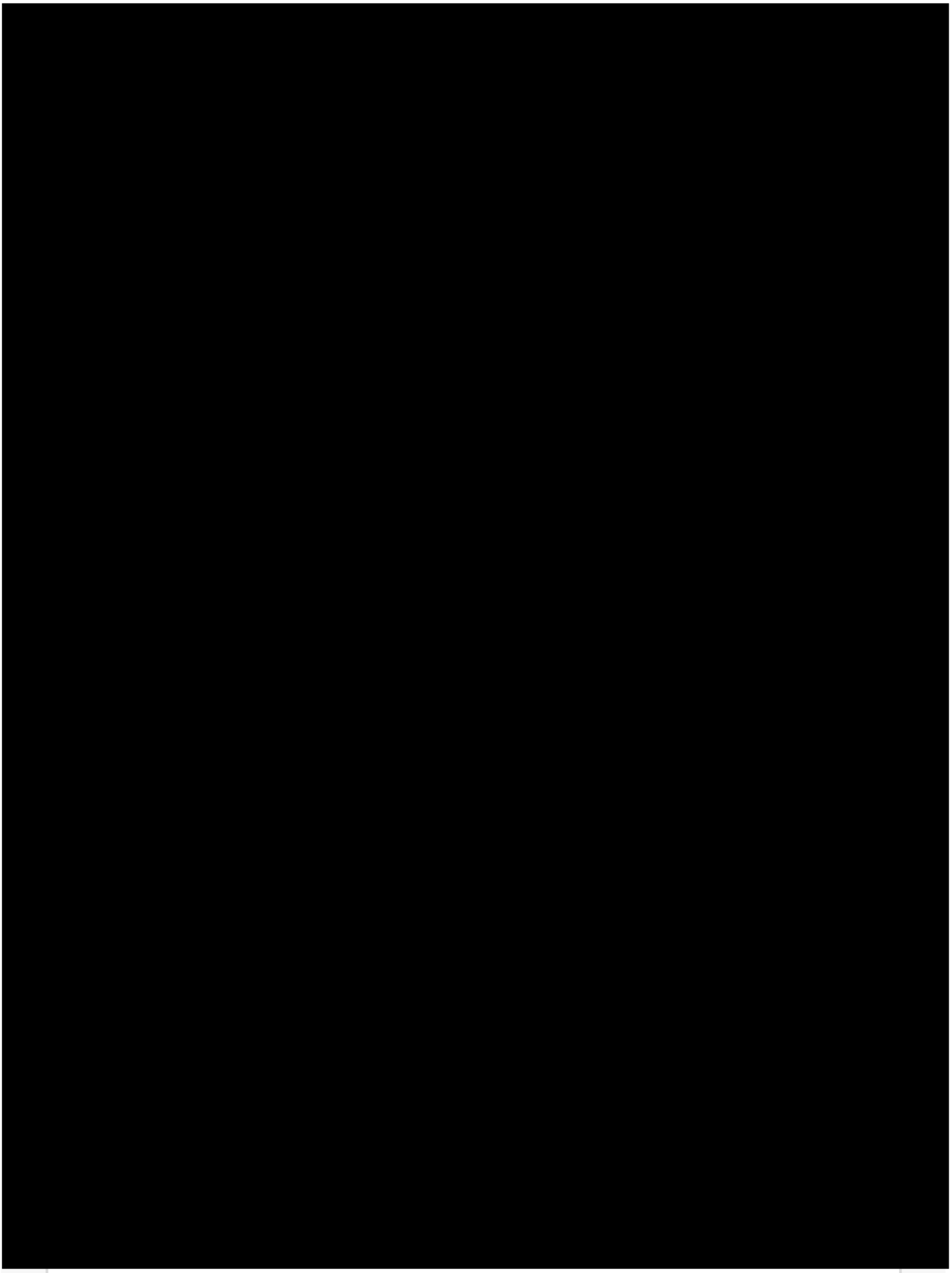

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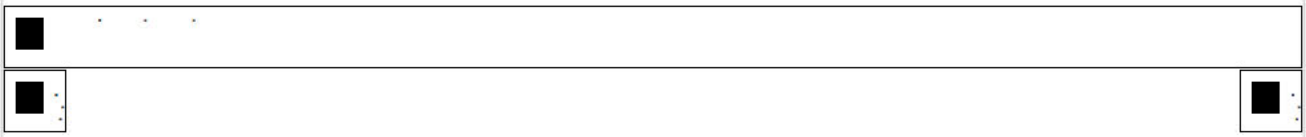

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Subject: Math roundtable: Calif. still struggling with framework

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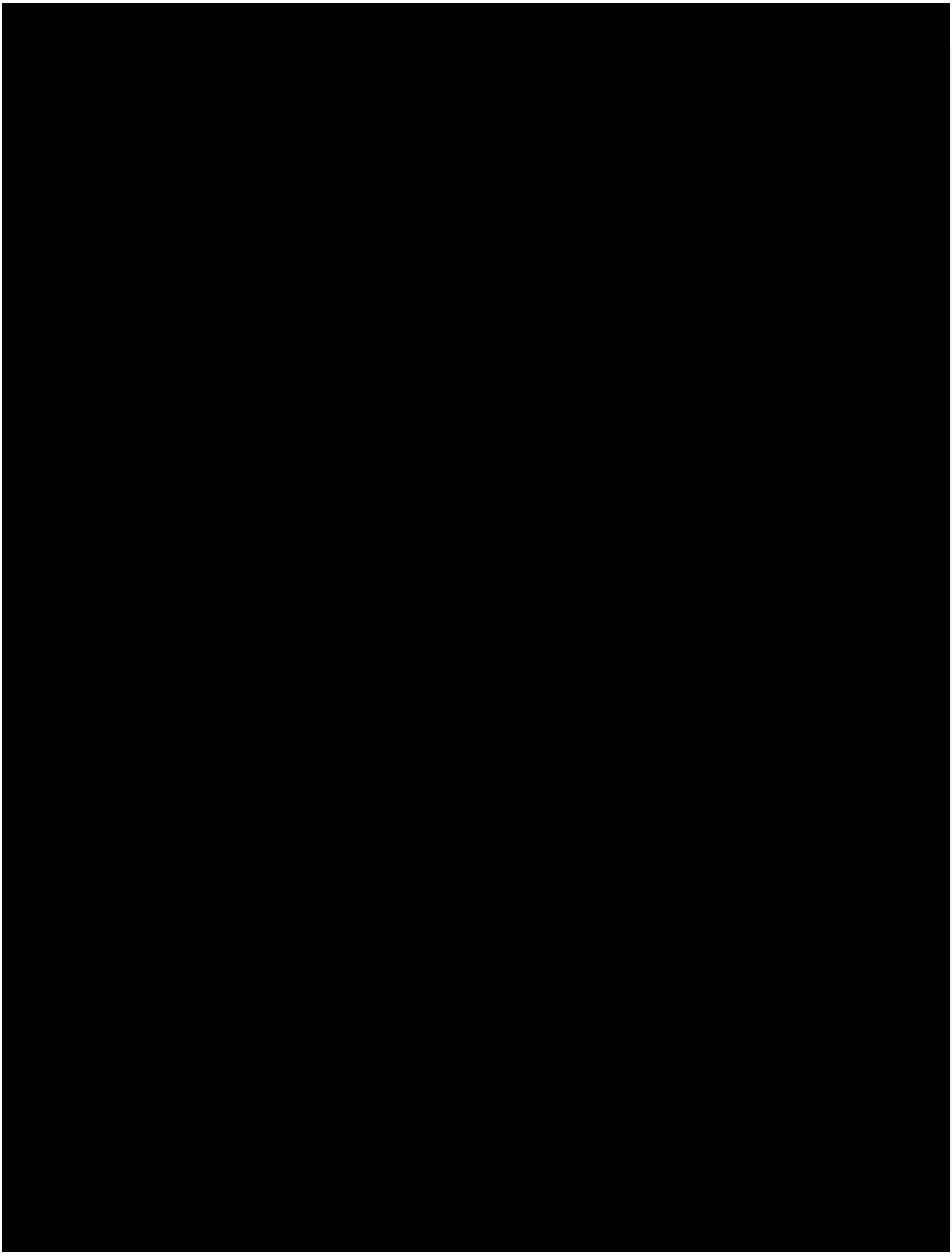

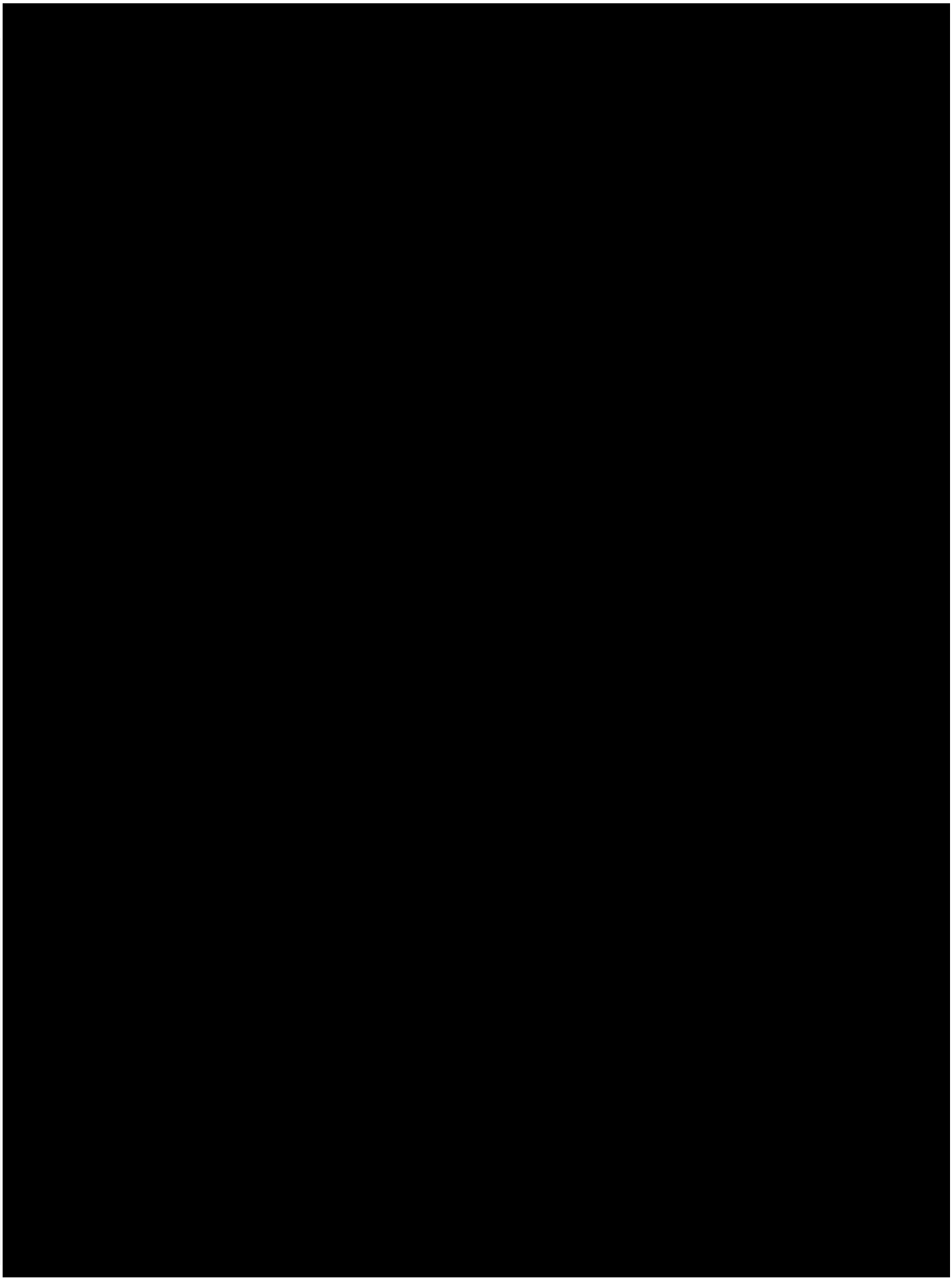

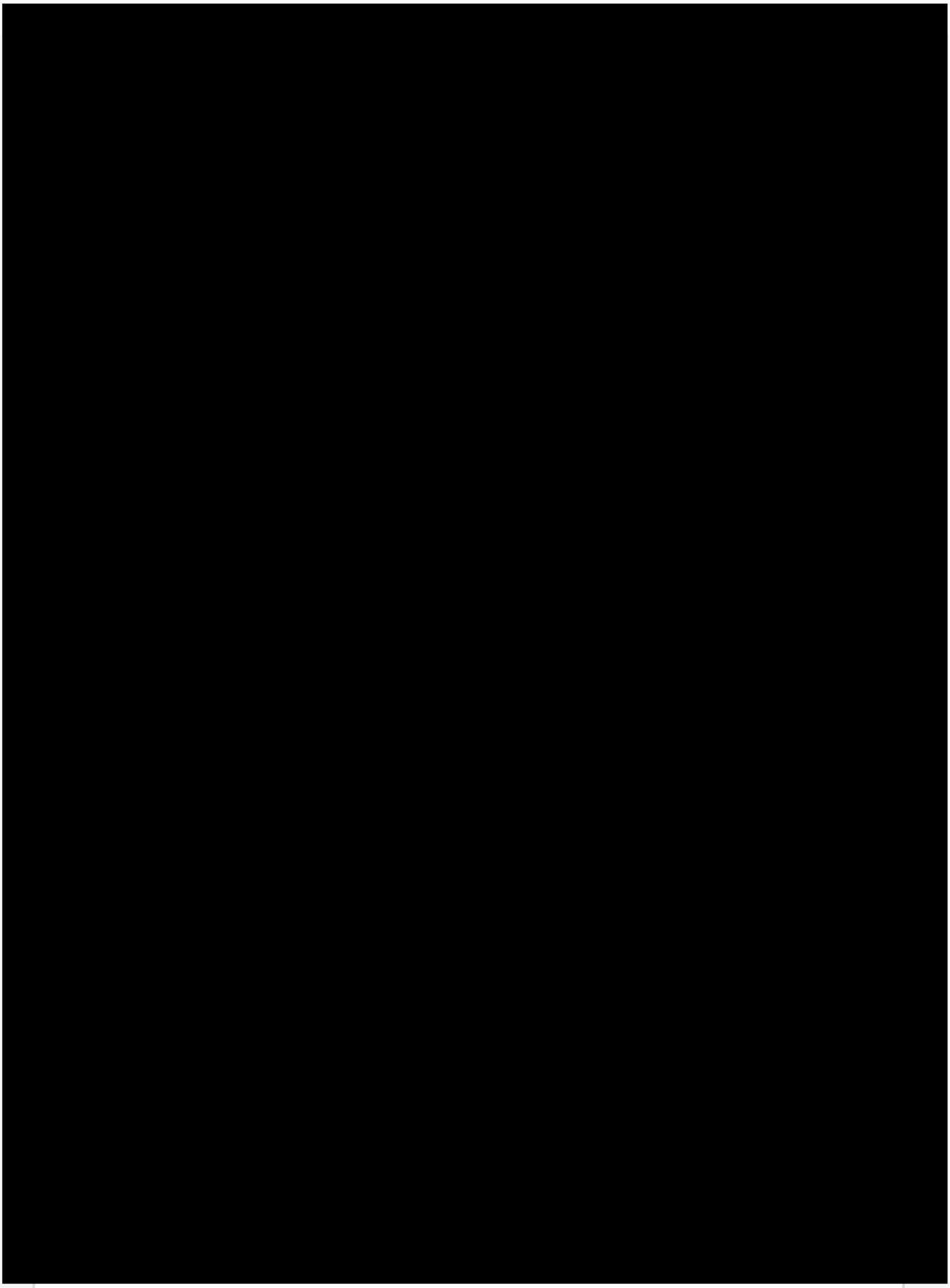



EDITOR'S NOTE

Extra Credit: Gender Support Plan, teacher in Russian jail

Will a Florida district's Gender Support Plan be a pass or a fail? Can brand-name sneakers keep kids in school? Will a US teacher have to serve 14 years in a Russian jail? Read about these and other issues in the latest Education Extra Credit.

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//smartbrief.com/mathed/?referrerId=hOlFfZDfZL

We're all delusional, really, and I love that about us humans.

Catherine O'Hara,
actor, comedian



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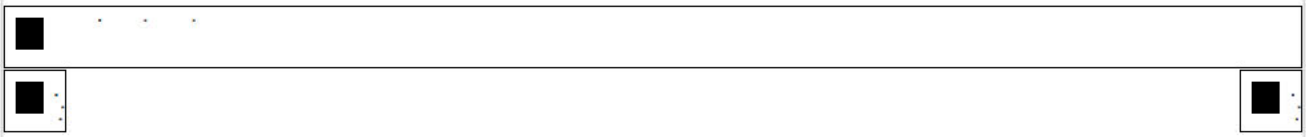

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1100 13th St. NW, Suite 1000, Washington, DC 20005

From: postmaster@beaufort.k12.sc.us
Sent: Monday, August 1, 2022 4:16 PM
To: newsletters--MATHED@send.smartbrief.com
Subject: Undeliverable: Math roundtable: Calif. still struggling with framework
Attachments: Math roundtable: Calif. still struggling with framework

Your message to jacqueline.fulton@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--MATHED	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	8/1/2022 8:15:50 PM
Sender Address:	newsletters--MATHED@send.smartbrief.com
Recipient Address:	jacqueline.fulton@beaufort.k12.sc.us
Subject:	Math roundtable: Calif. still struggling with framework

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (jacqueline.fulton@beaufort.k12.sc.us:blocked)*
DSN generated by:	MWHPR08MB2413.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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2	8/1/2022 8:15:53 PM	mail21.smartbrief.com	mx-inbound9-17.us-east-2a.ess.aws.cudaops.com	
3	8/1/2022 8:15:56 PM	outbound-ip91a.ess.barracuda.com	BN8NAM12FT052.mail.protection.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_F
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Original Message Headers


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Received: by mail1.smartbrief.com id ht0q7i2ug087 for
<jacqueline.fulton@beaufort.k12.sc.us>; Mon, 1 Aug 2022 15:15:51 -0500 (envelope-from
<newsletters--MATHED@send.smartbrief.com>)
Date: Mon, 1 Aug 2022 15:15:50 -0500 (CDT)
From: "Math Education SmartBrief" <mathed@smartbrief.com>
To: jacqueline.fulton@beaufort.k12.sc.us
Message-ID: <bounce--hnejdnehjg6lmhvi@send.smartbrief.com>
Subject: Math roundtable: Calif. still struggling with framework

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X-MS-Exchange-CrossTenant-FromEntityHeader: Internet
X-MS-Exchange-Transport-CrossTenantHeadersStamped: MWHPR08MB2413
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From: postmaster@beaufort.k12.sc.us
Sent: Monday, August 1, 2022 4:16 PM
To: newsletters--MATHED@send.smartbrief.com
Subject: Undeliverable: Math roundtable: Calif. still struggling with framework
Attachments: Math roundtable: Calif. still struggling with framework

Your message to dolores.fuller@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--MATHED	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	8/1/2022 8:15:48 PM
Sender Address:	newsletters--MATHED@send.smartbrief.com
Recipient Address:	dolores.fuller@beaufort.k12.sc.us
Subject:	Math roundtable: Calif. still struggling with framework

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (dolores.fuller@beaufort.k12.sc.us:blocked)*
DSN generated by:	DM6PR08MB5100.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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2	8/1/2022 8:15:50 PM	mail21.smartbrief.com	mx-inbound9-17.us-east-2a.ess.aws.cudaops.com	
3	8/1/2022 8:15:53 PM	outbound-ip92a.ess.barracuda.com	DM6NAM12FT006.mail.protection.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_R
4	8/1/2022 8:15:53 PM	DM6NAM12FT006.eop-nam12.prod.protection.outlook.com	DM6PR13CA0045.outlook.office365.com	Microsoft SMTP Serv cipher=TLS_ECDHE_R
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Original Message Headers


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<newsletters--MATHED@send.smartbrief.com>)
Date: Mon, 1 Aug 2022 15:15:48 -0500 (CDT)
From: "Math Education SmartBrief" <mathed@smartbrief.com>
To: dolores.fuller@beaufort.k12.sc.us
Message-ID: <bounce--hnejdog06cc9v36q@send.smartbrief.com>
Subject: Math roundtable: Calif. still struggling with framework

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From: Math Education SmartBrief <mathed@smartbrief.com>
Sent: Monday, August 1, 2022 4:16 PM
To: jacqueline.fulton@beaufort.k12.sc.us
Subject: Math roundtable: Calif. still struggling with framework

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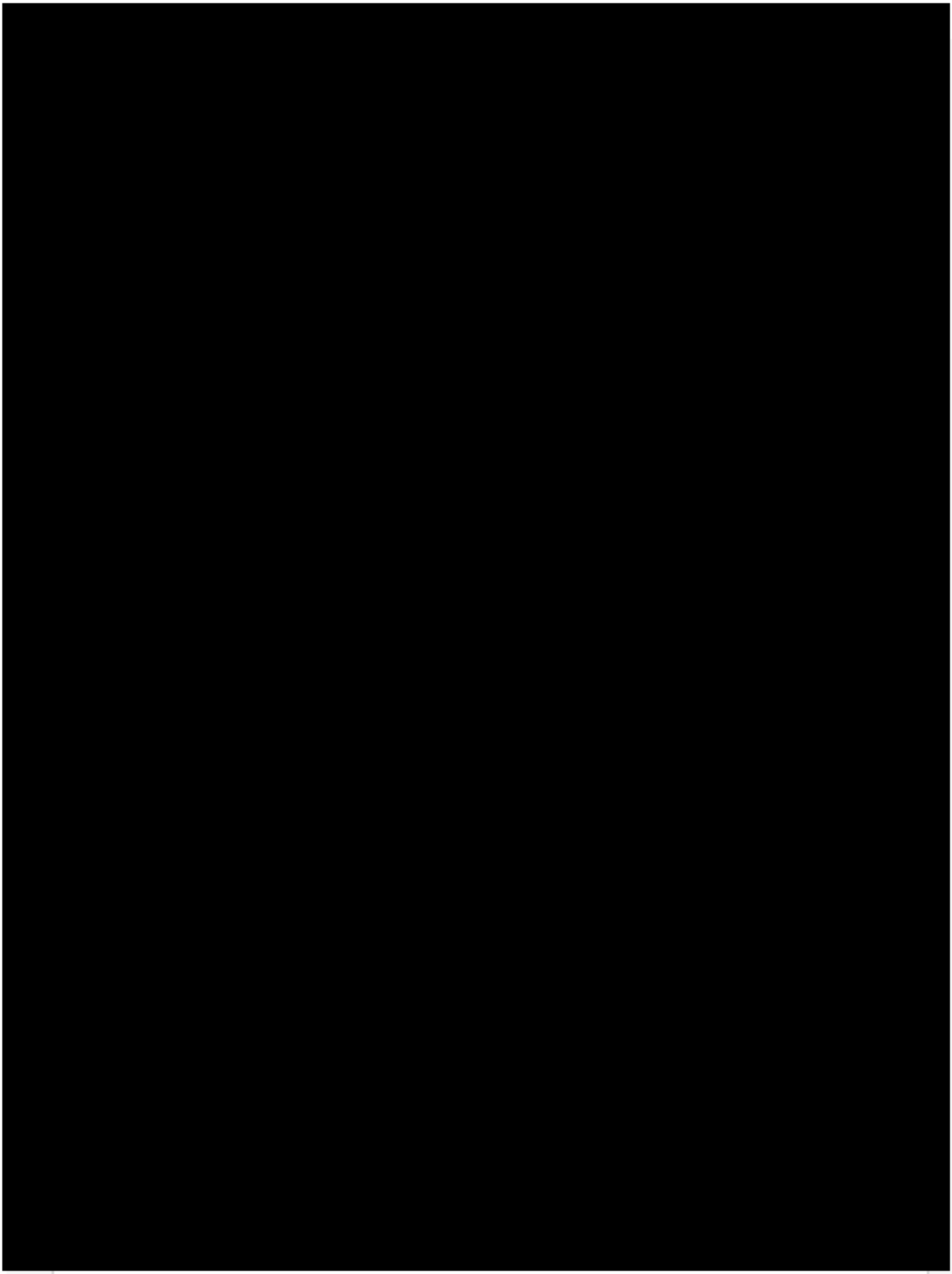

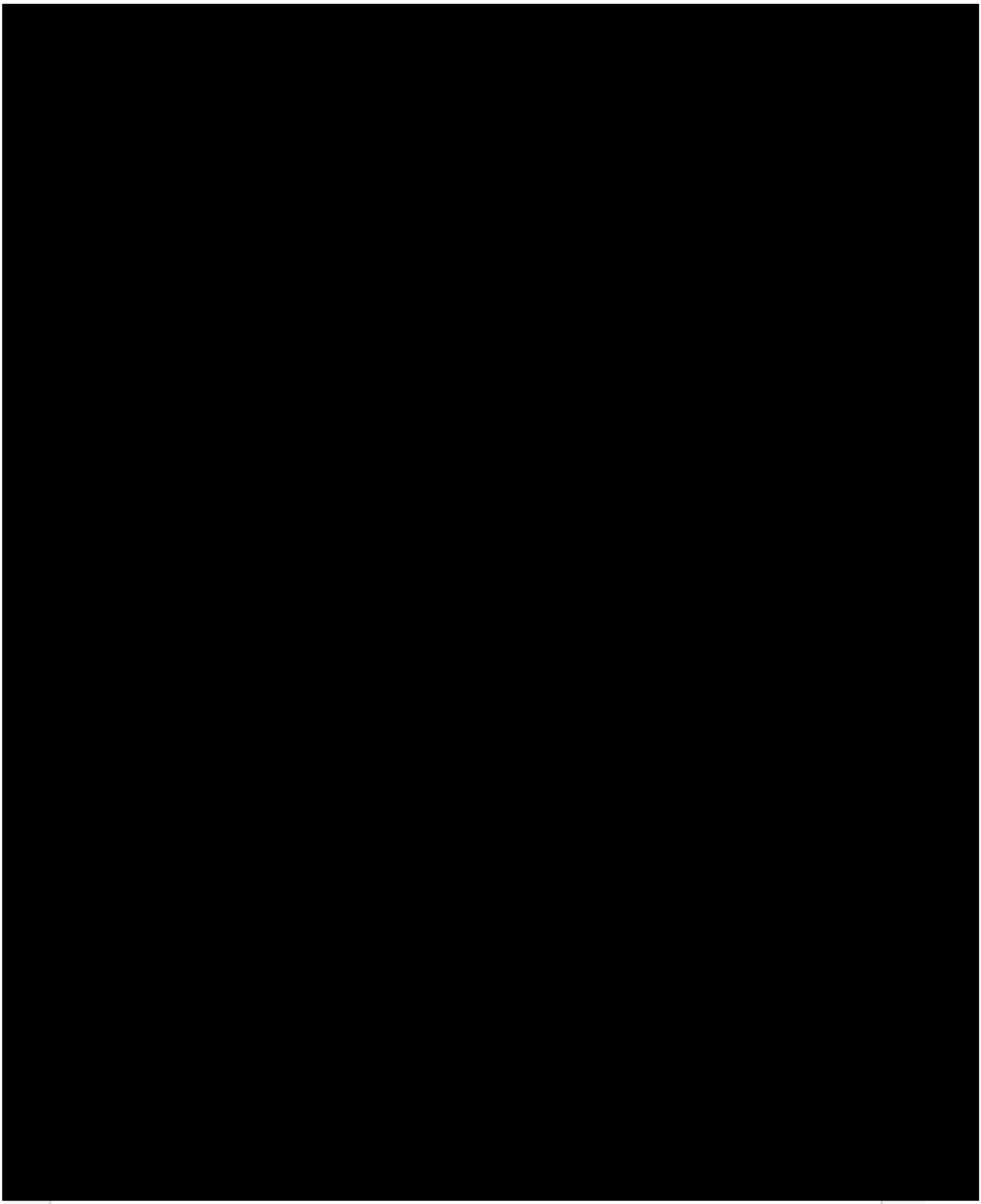

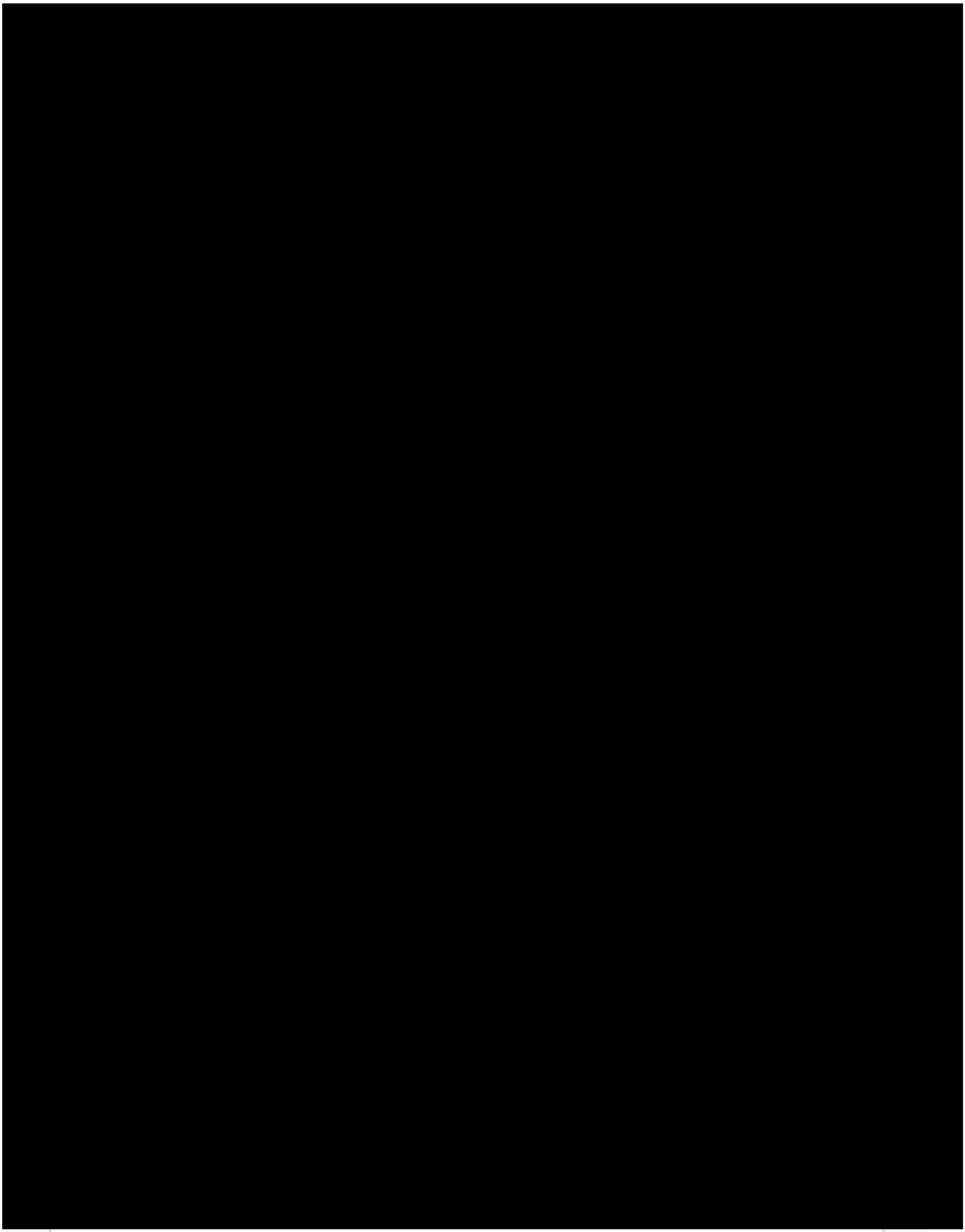



EDITOR'S NOTE

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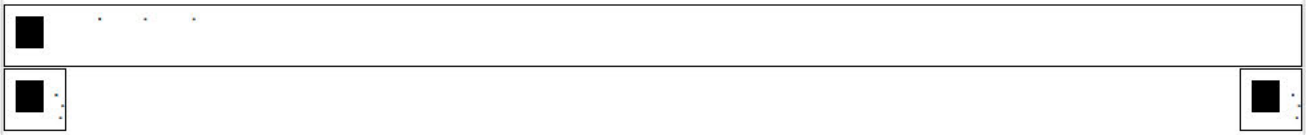

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To: dolores.fuller@beaufort.k12.sc.us
Subject: Math roundtable: Calif. still struggling with framework

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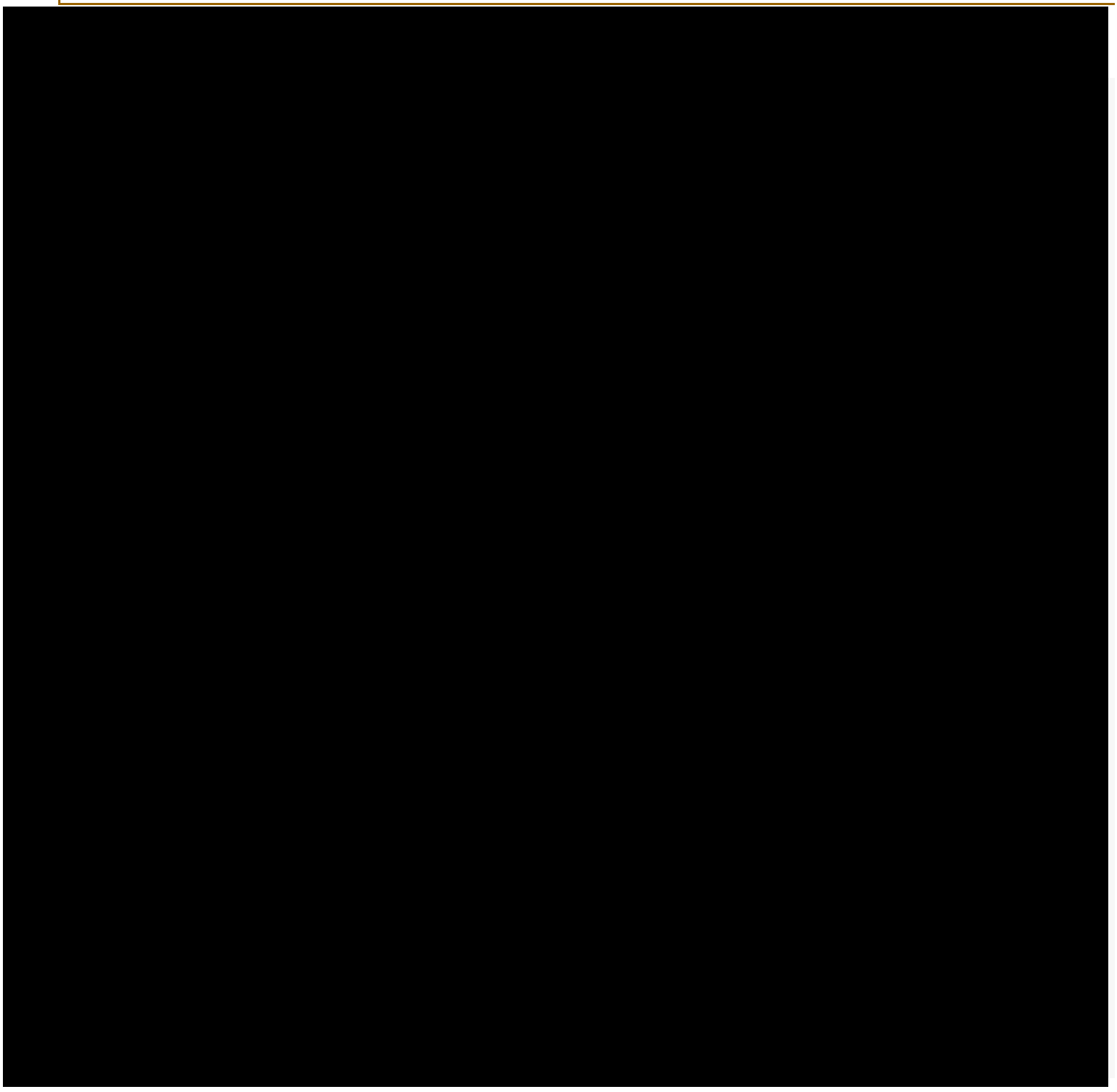

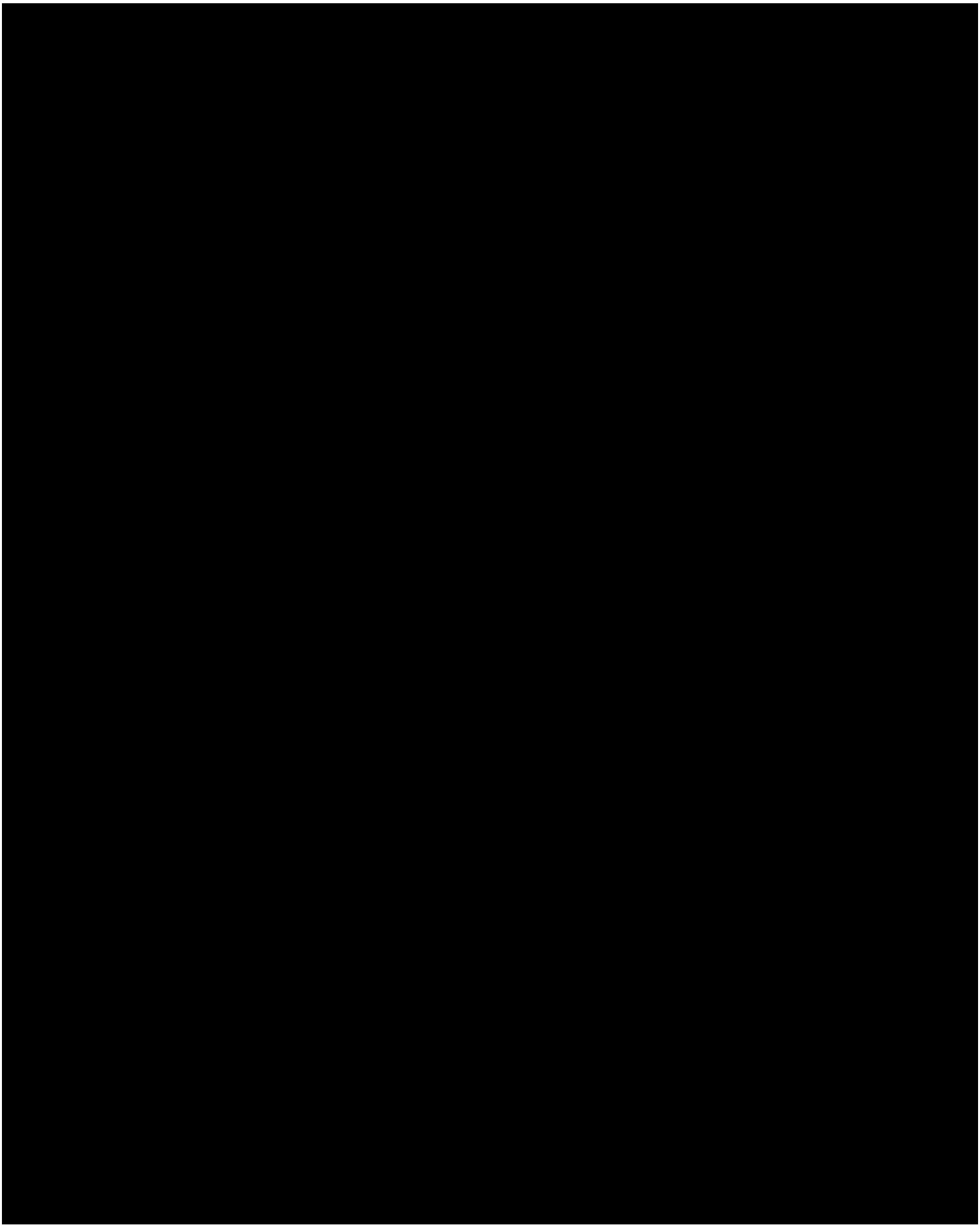

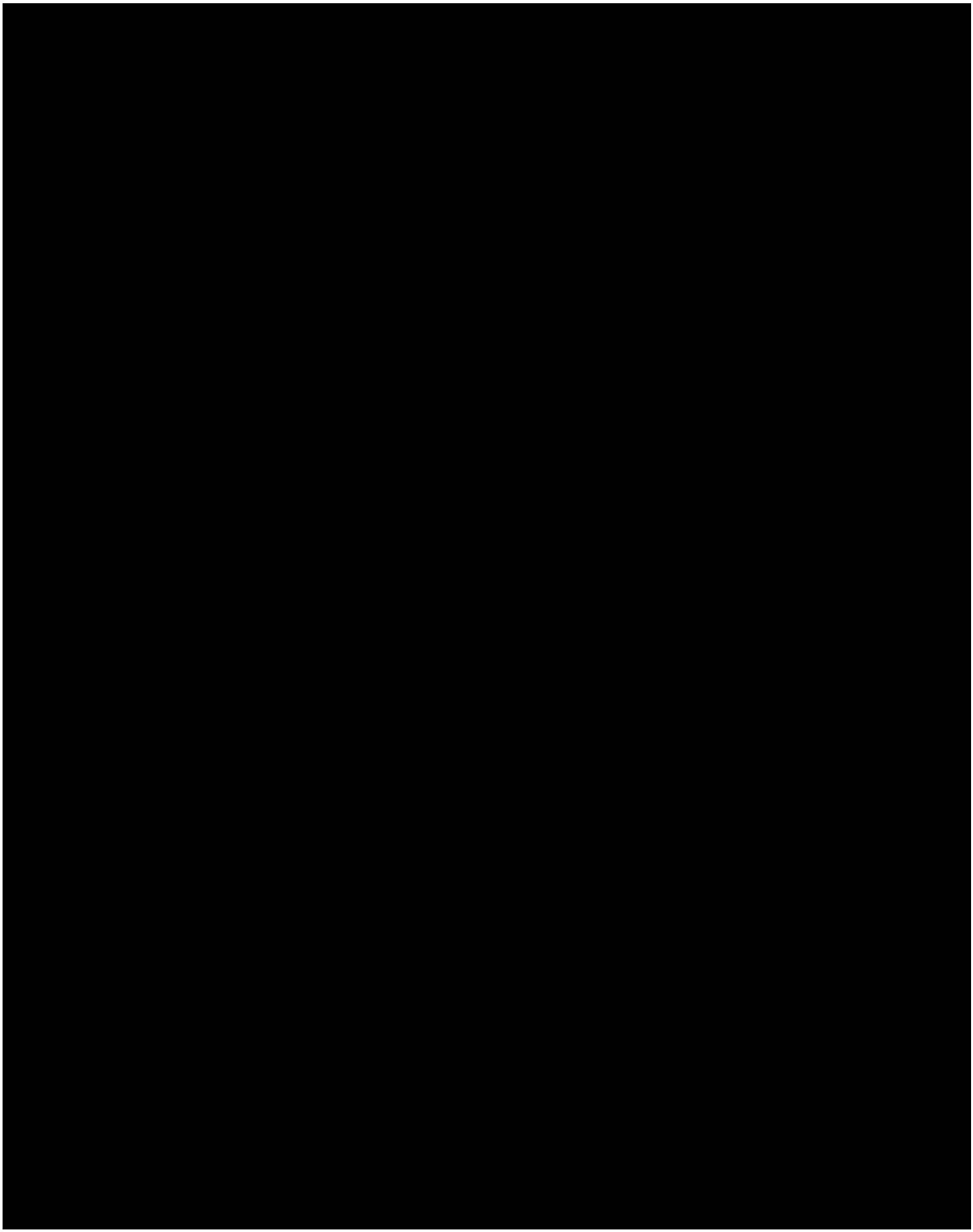

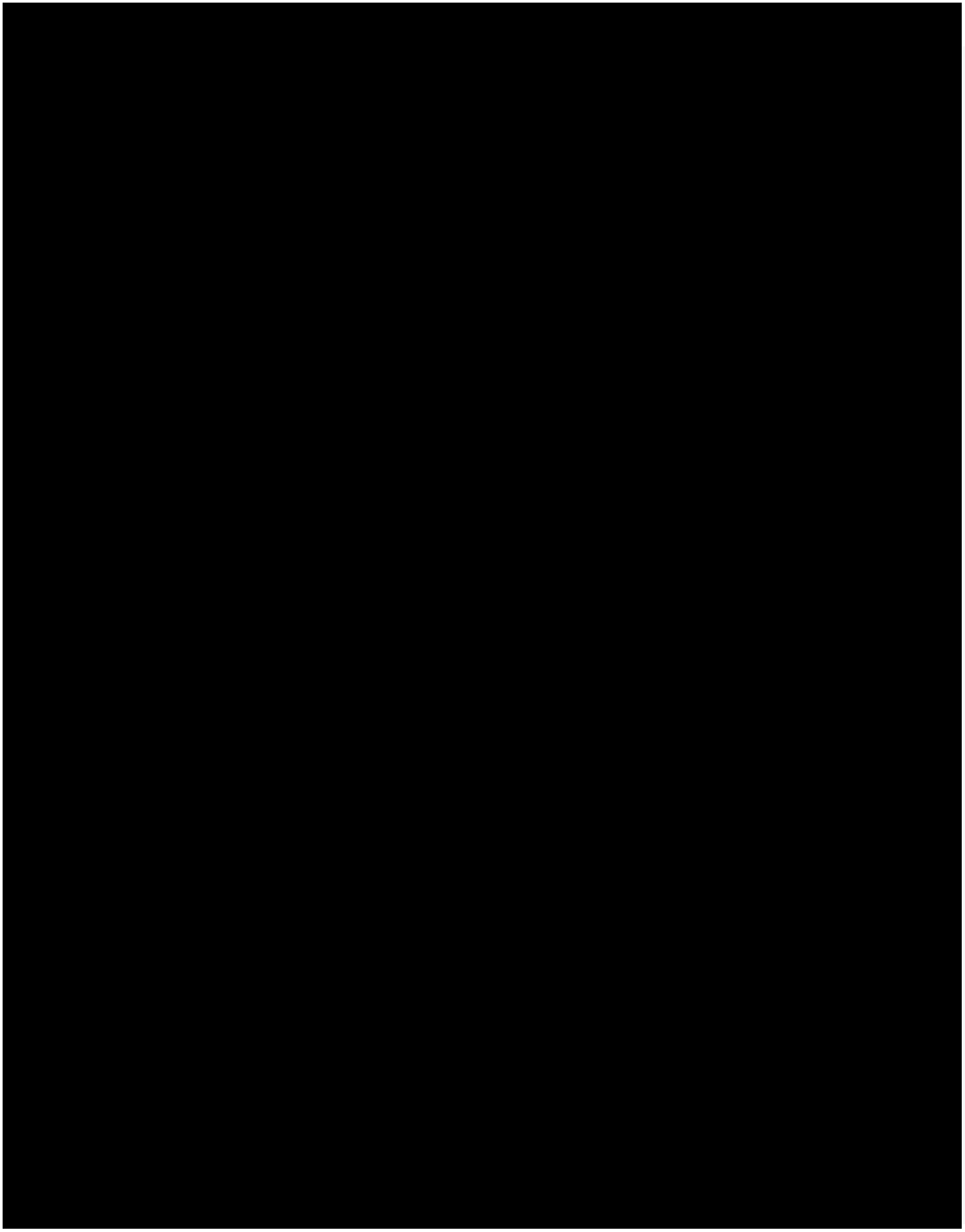

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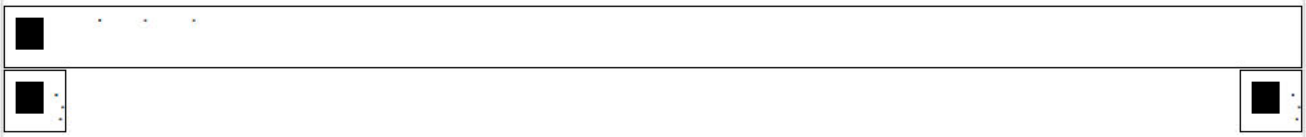

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Sent: Monday, August 1, 2022 4:16 PM
To: maxine.chisolm@beaufort.k12.sc.us
Subject: Math roundtable: Calif. still struggling with framework

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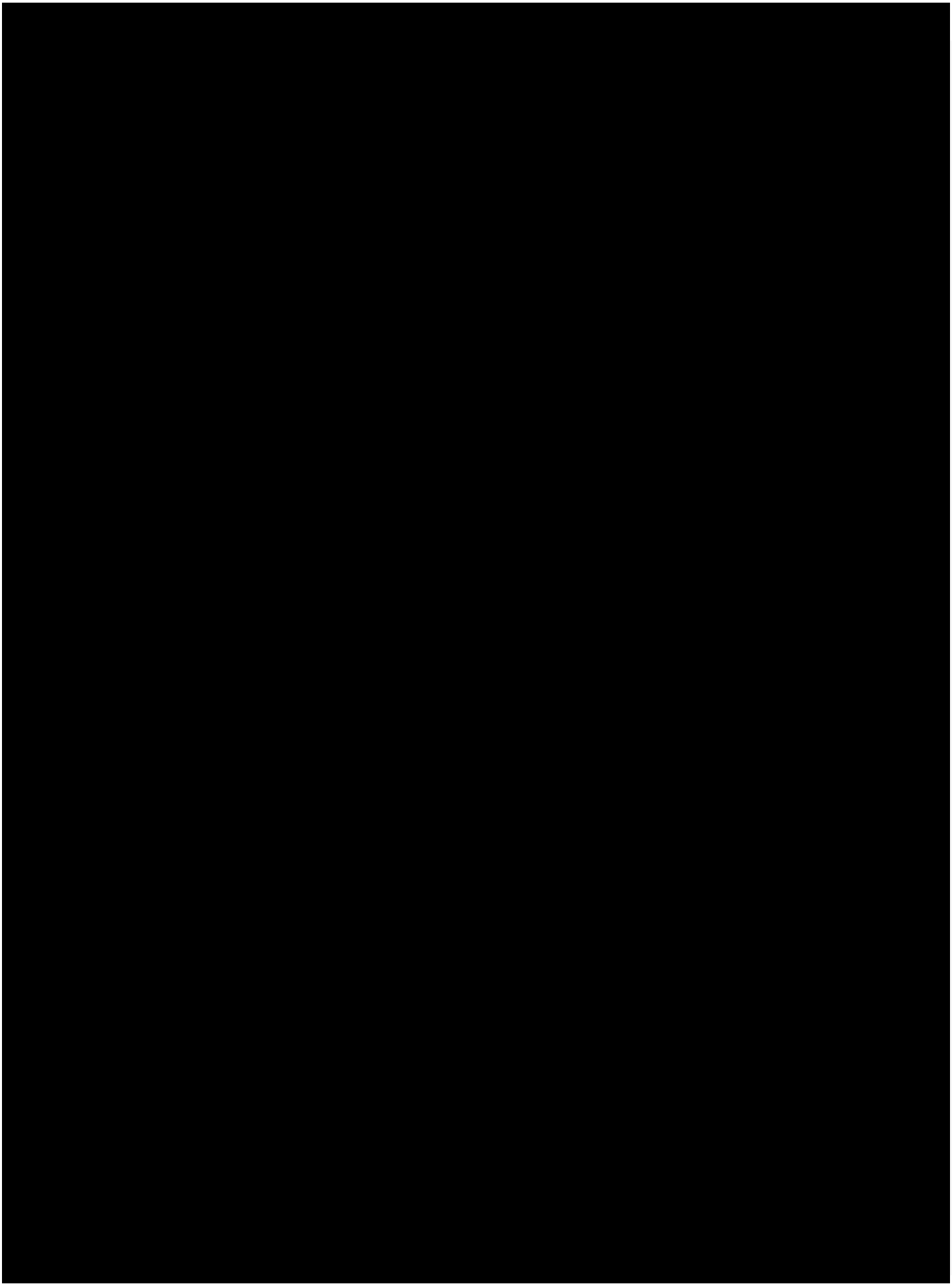

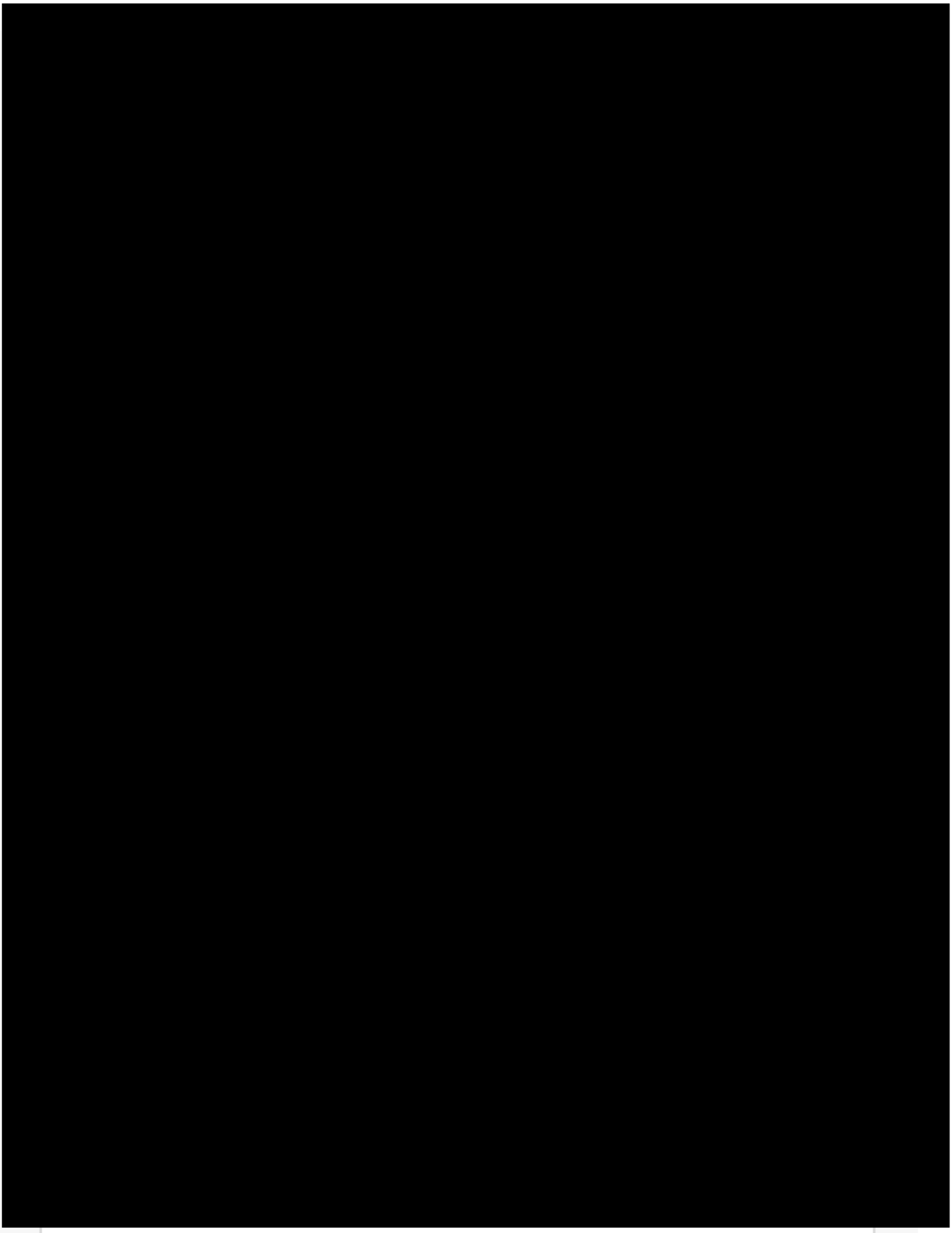

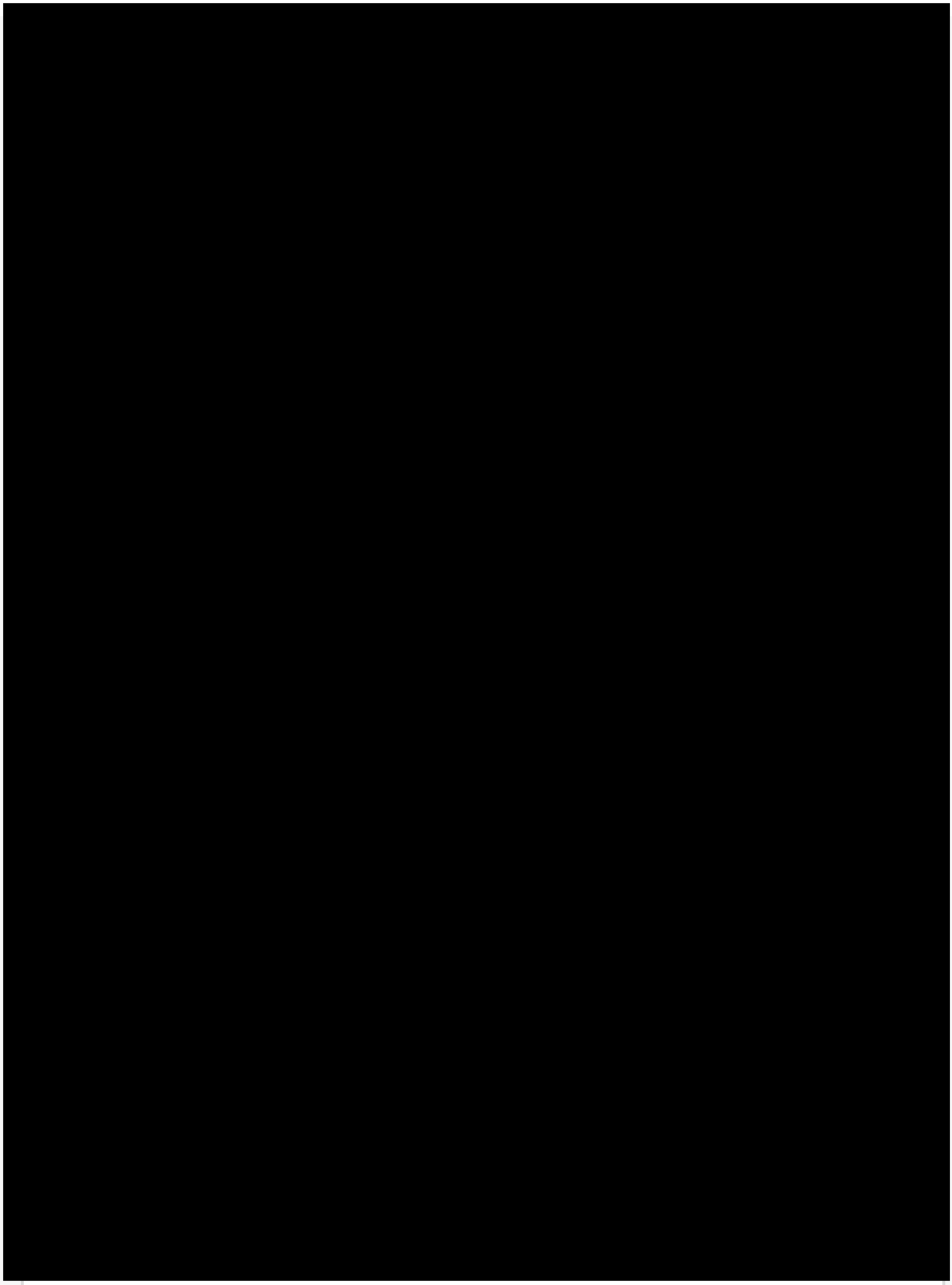



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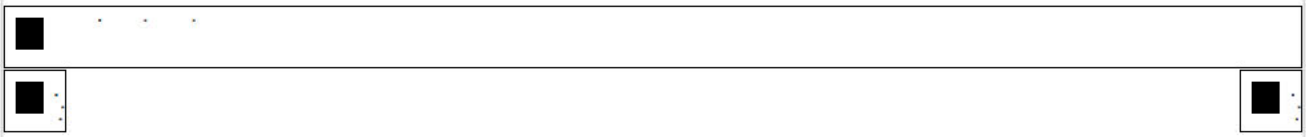

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From: postmaster@beaufort.k12.sc.us
Sent: Monday, August 1, 2022 3:45 PM
To: newsletters--MATHED@send.smartbrief.com
Subject: Undeliverable: Summer math classes incorporate kindness
Attachments: Summer math classes incorporate kindness

Your message to dora.fletcher@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--MATHED	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	8/1/2022 7:44:17 PM
Sender Address:	newsletters--MATHED@send.smartbrief.com
Recipient Address:	dora.fletcher@beaufort.k12.sc.us
Subject:	Summer math classes incorporate kindness

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (dora.fletcher@beaufort.k12.sc.us:blocked)*
DSN generated by:	BN7PR08MB5553.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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Mon, 1 Aug 2022 14:44:18 -0500 (envelope-from <newsletters--MATHED@send.smartbrief.com>)
Date: Mon, 1 Aug 2022 14:44:17 -0500 (CDT)
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To: Dora.Fletcher@beaufort.k12.sc.us
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Subject: Summer math classes incorporate kindness
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From: Math Education SmartBrief <mathed@smartbrief.com>
Sent: Monday, August 1, 2022 3:44 PM
To: davina.walker@beaufort.k12.sc.us
Subject: Math roundtable: Calif. still struggling with framework

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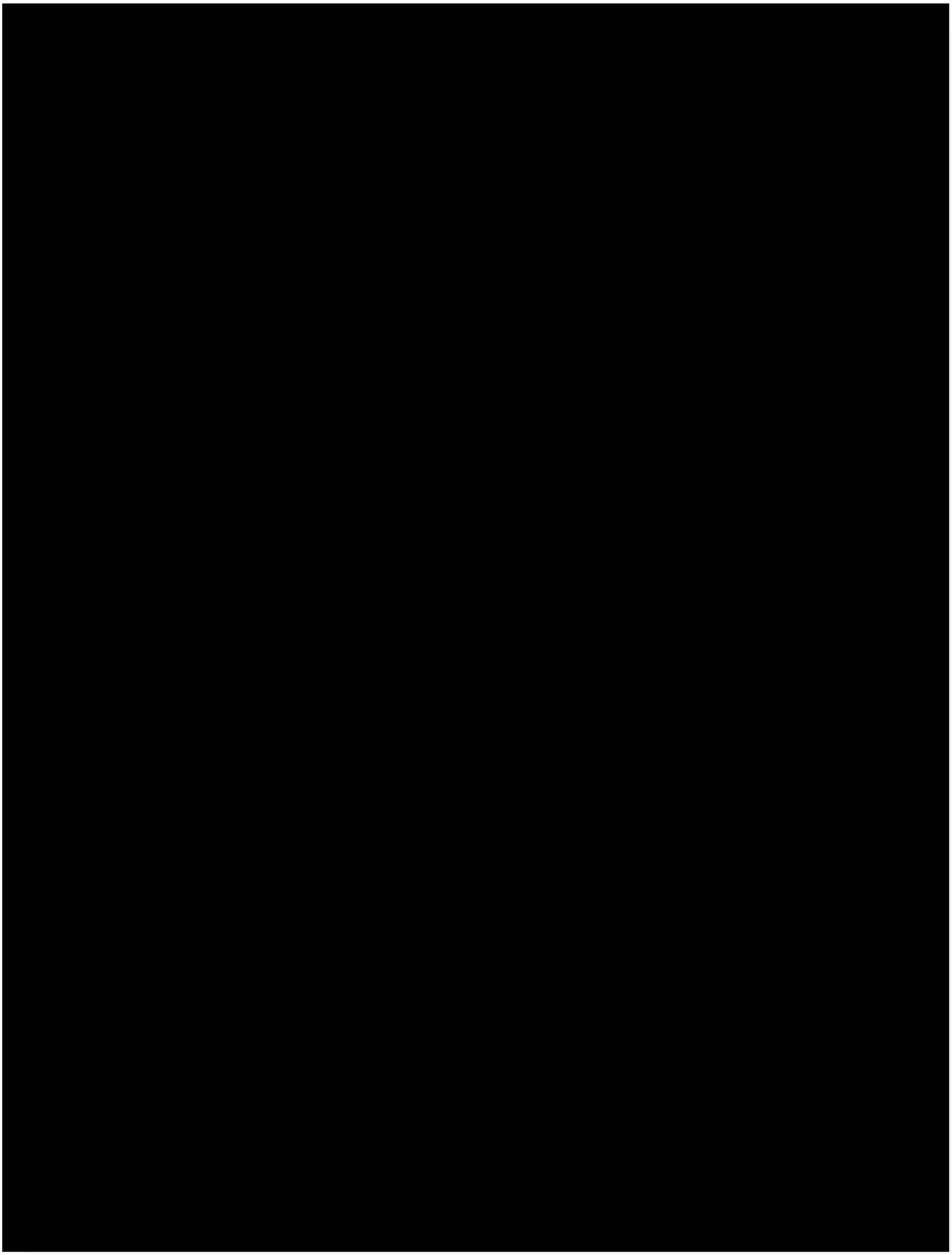

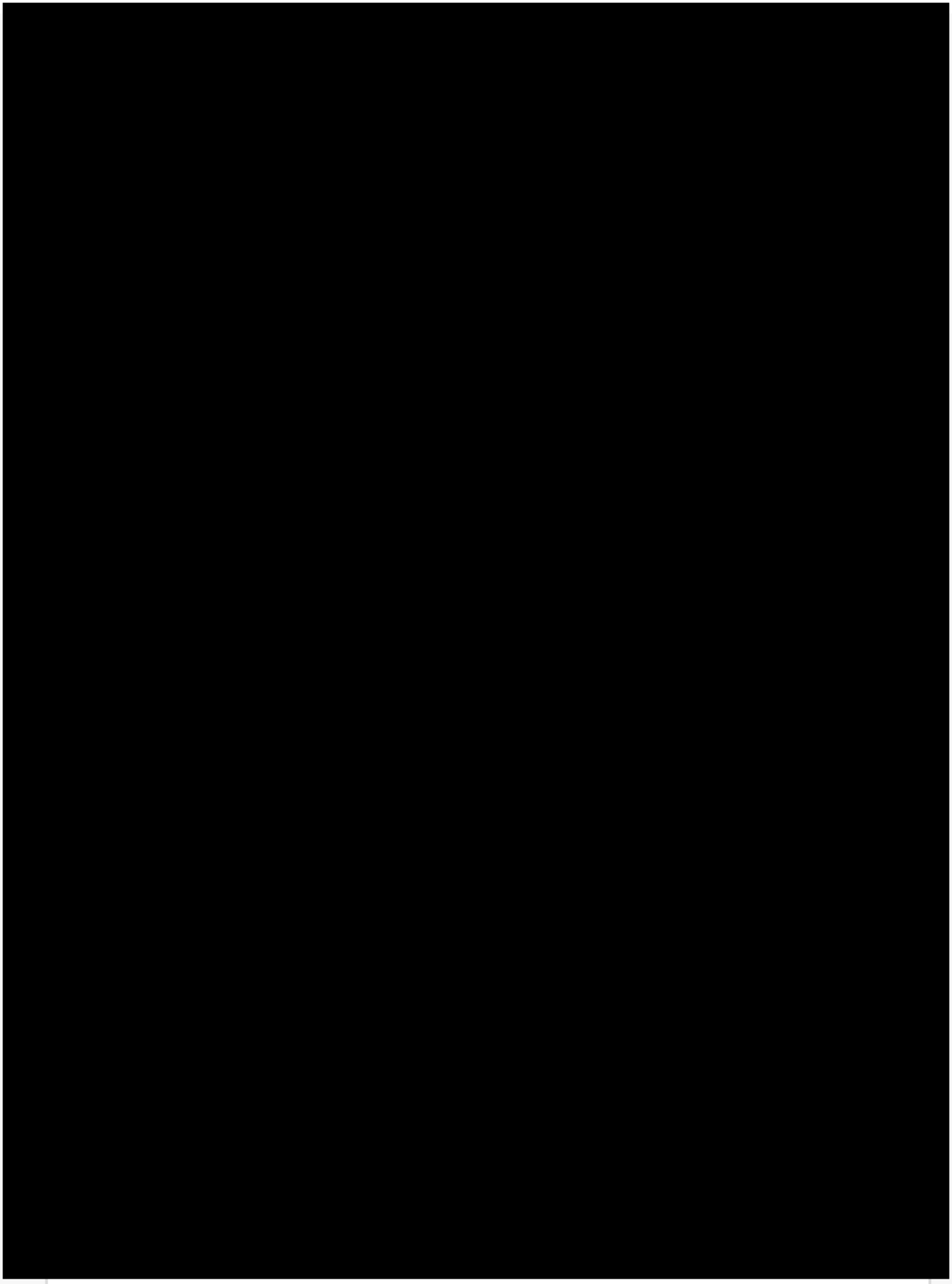

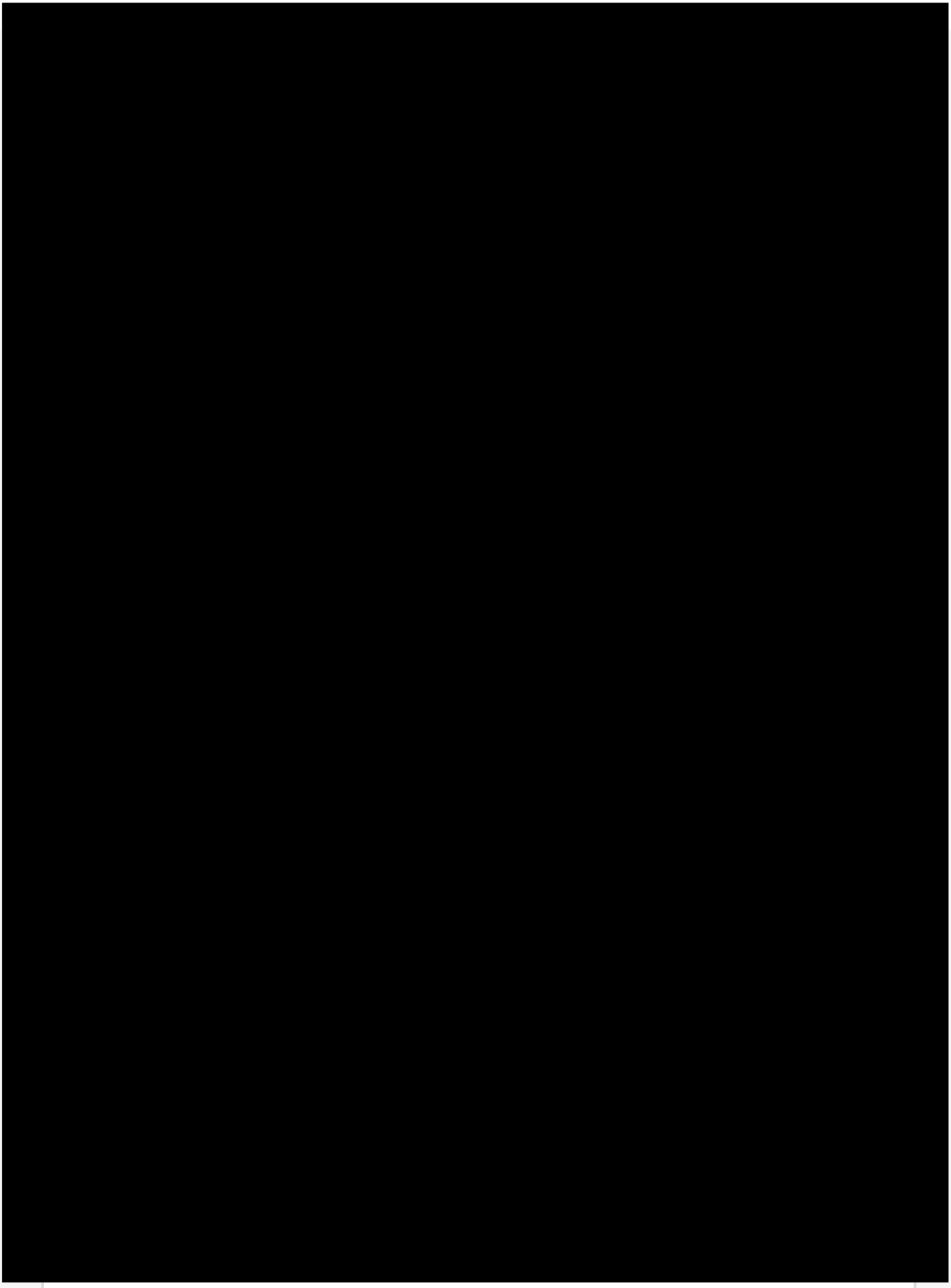

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EDITOR'S NOTE

Extra Credit: Gender Support Plan, teacher in Russian jail

Will a Florida district's Gender Support Plan be a pass or a fail? Can brand-name sneakers keep kids in school? Will a US teacher have to serve 14 years in a Russian jail? Read about these and other issues in the latest Education Extra Credit.



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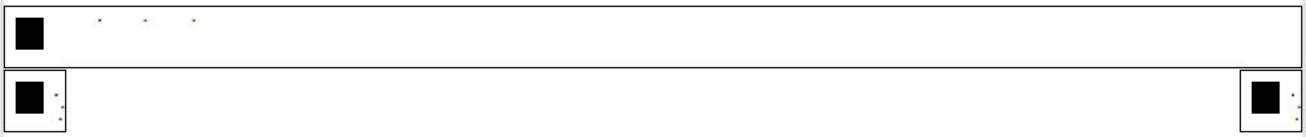

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From: Math Education SmartBrief <mathed@smartbrief.com>
Sent: Monday, August 1, 2022 3:44 PM
To: cynthia.armstrong@beaufort.k12.sc.us
Subject: Summer math classes incorporate kindness

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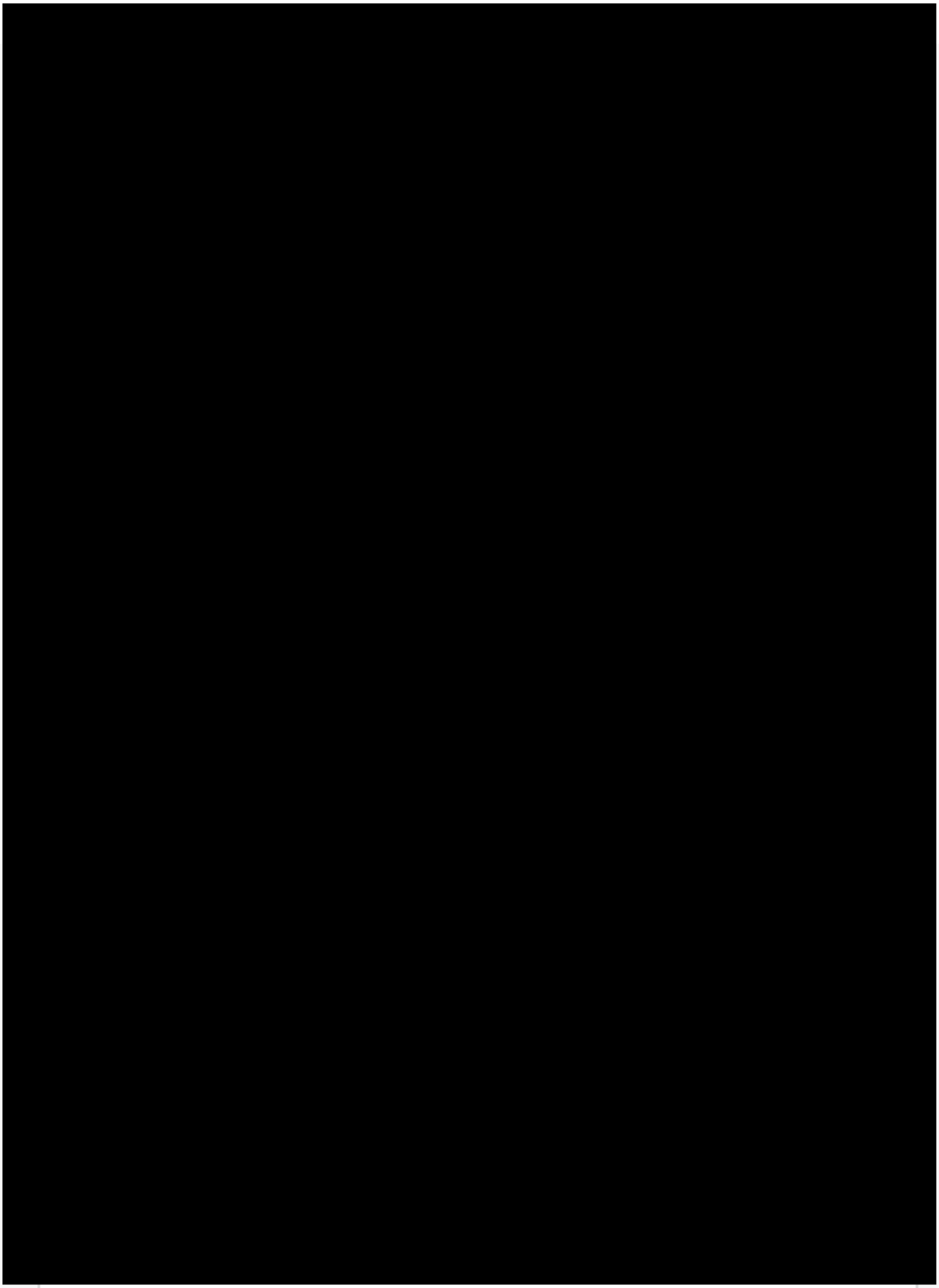

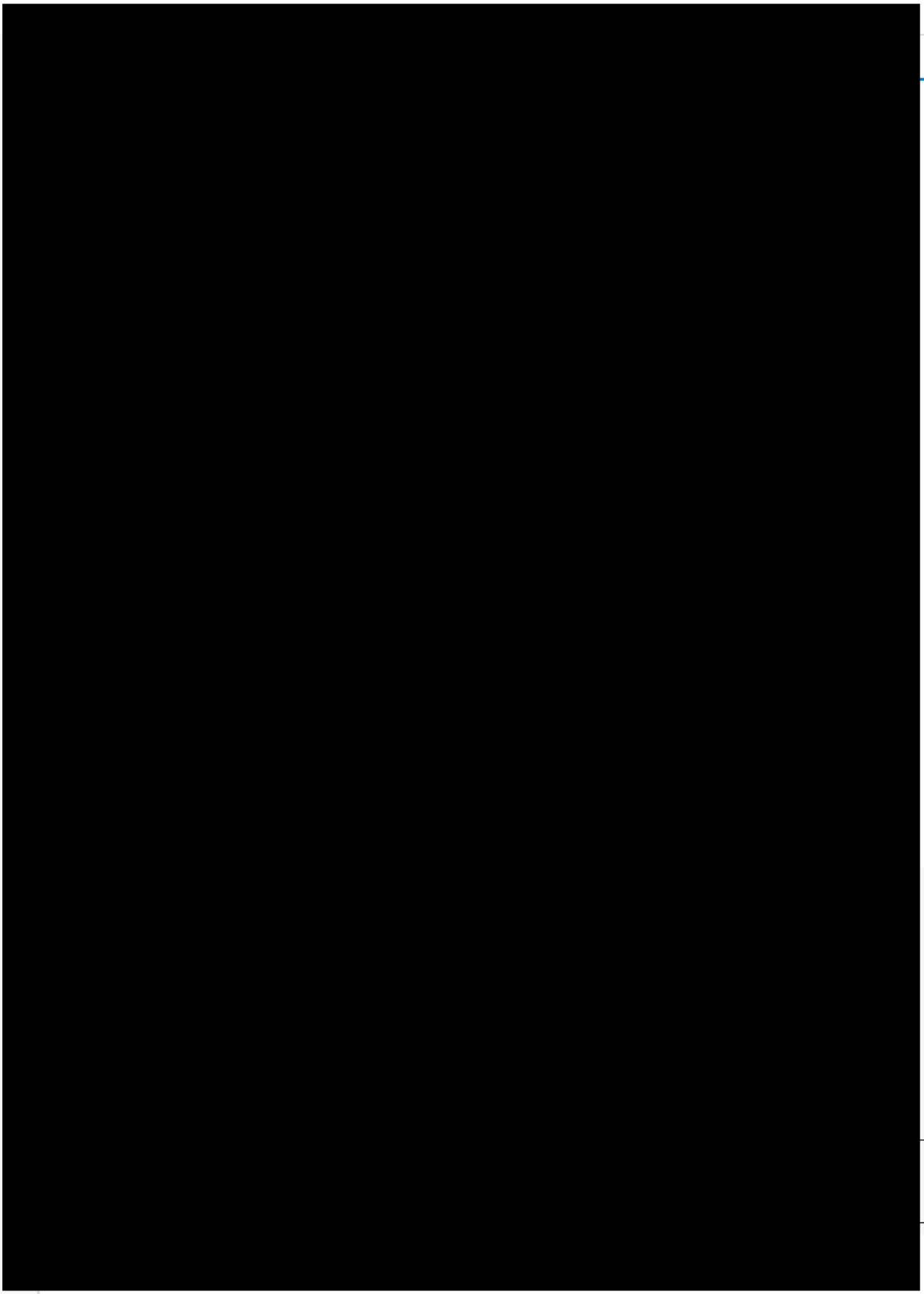

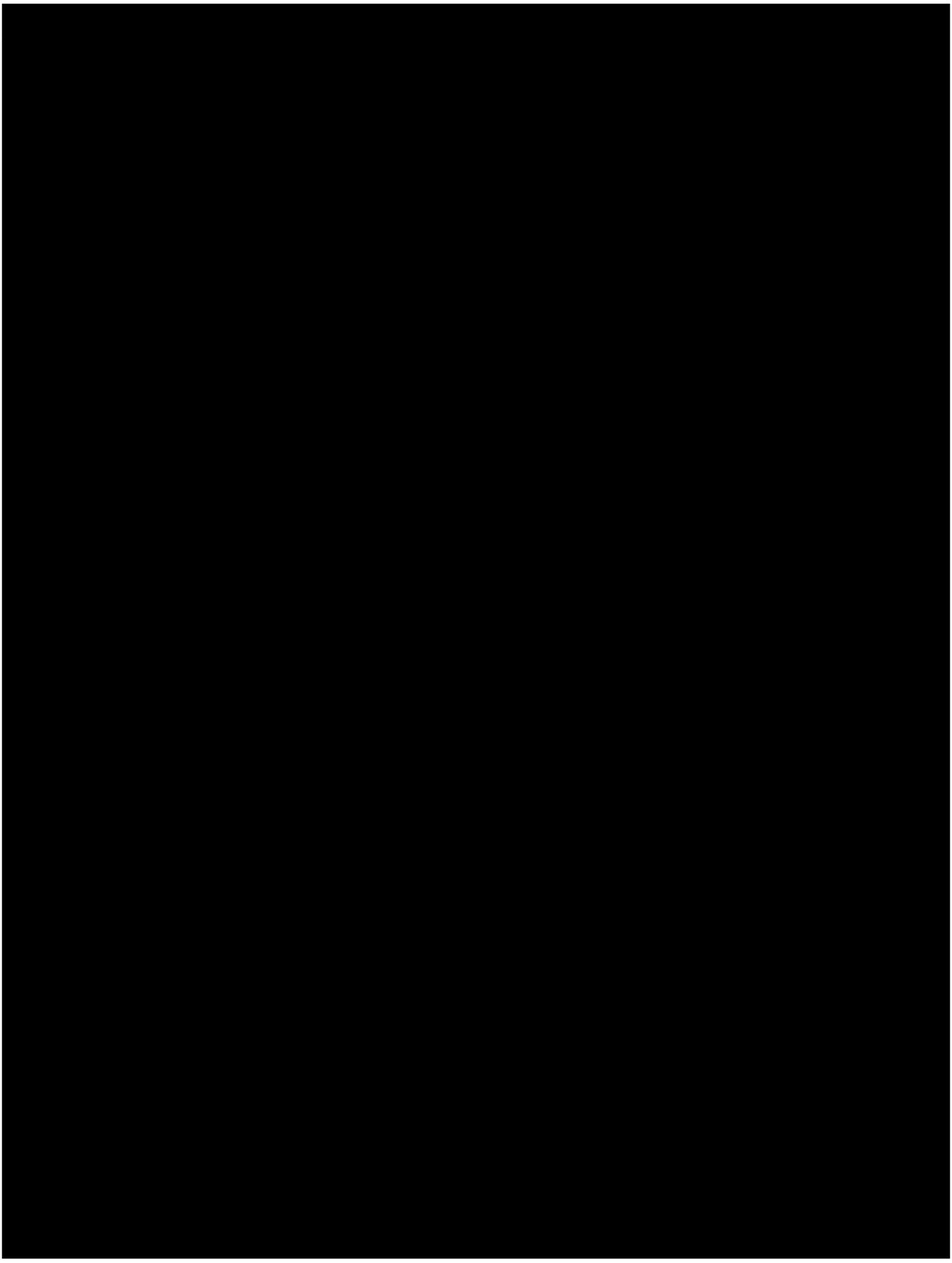

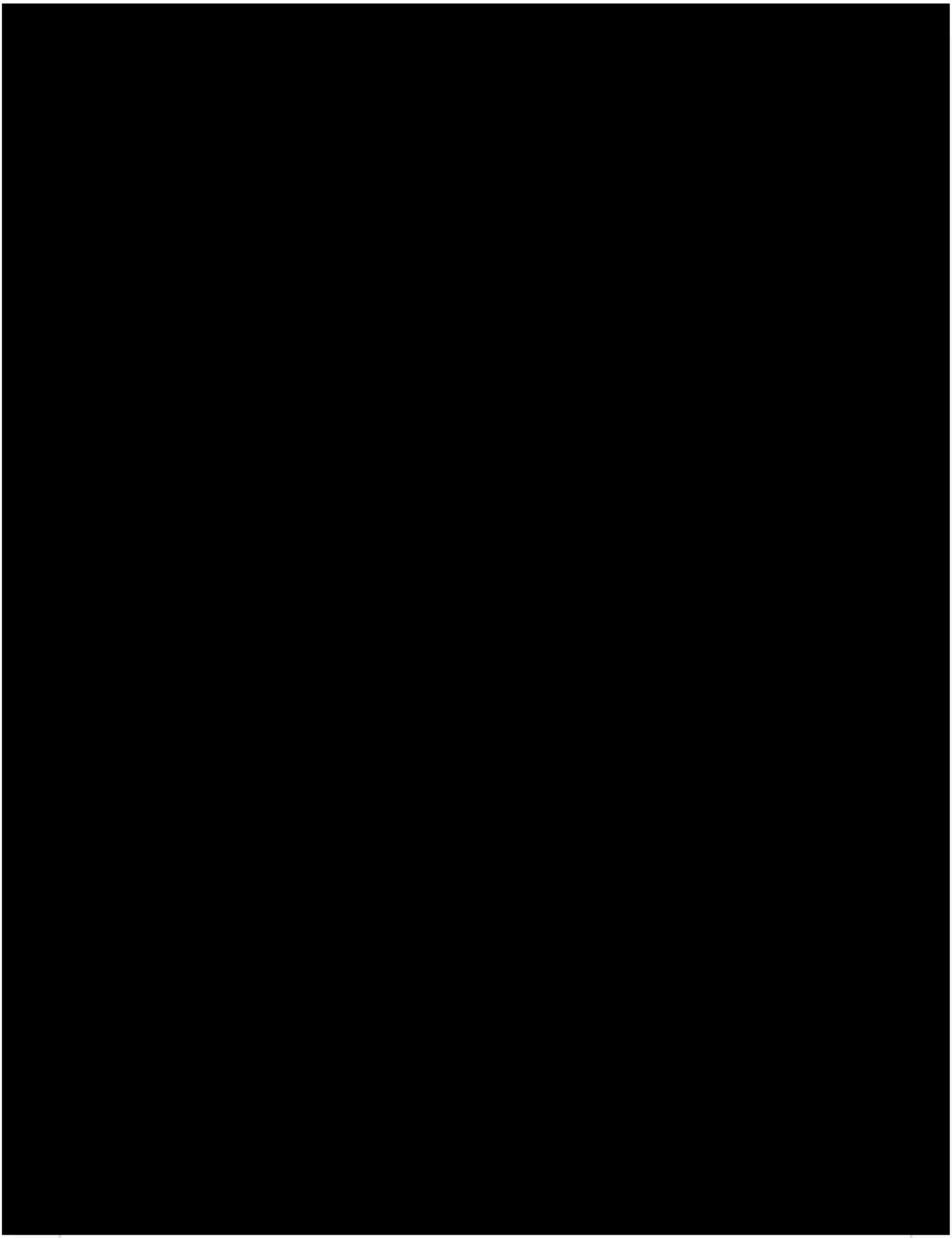



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From: Math Education SmartBrief <mathed@smartbrief.com>
Sent: Monday, August 1, 2022 3:44 PM
To: Dora.Fletcher@beaufort.k12.sc.us
Subject: Summer math classes incorporate kindness

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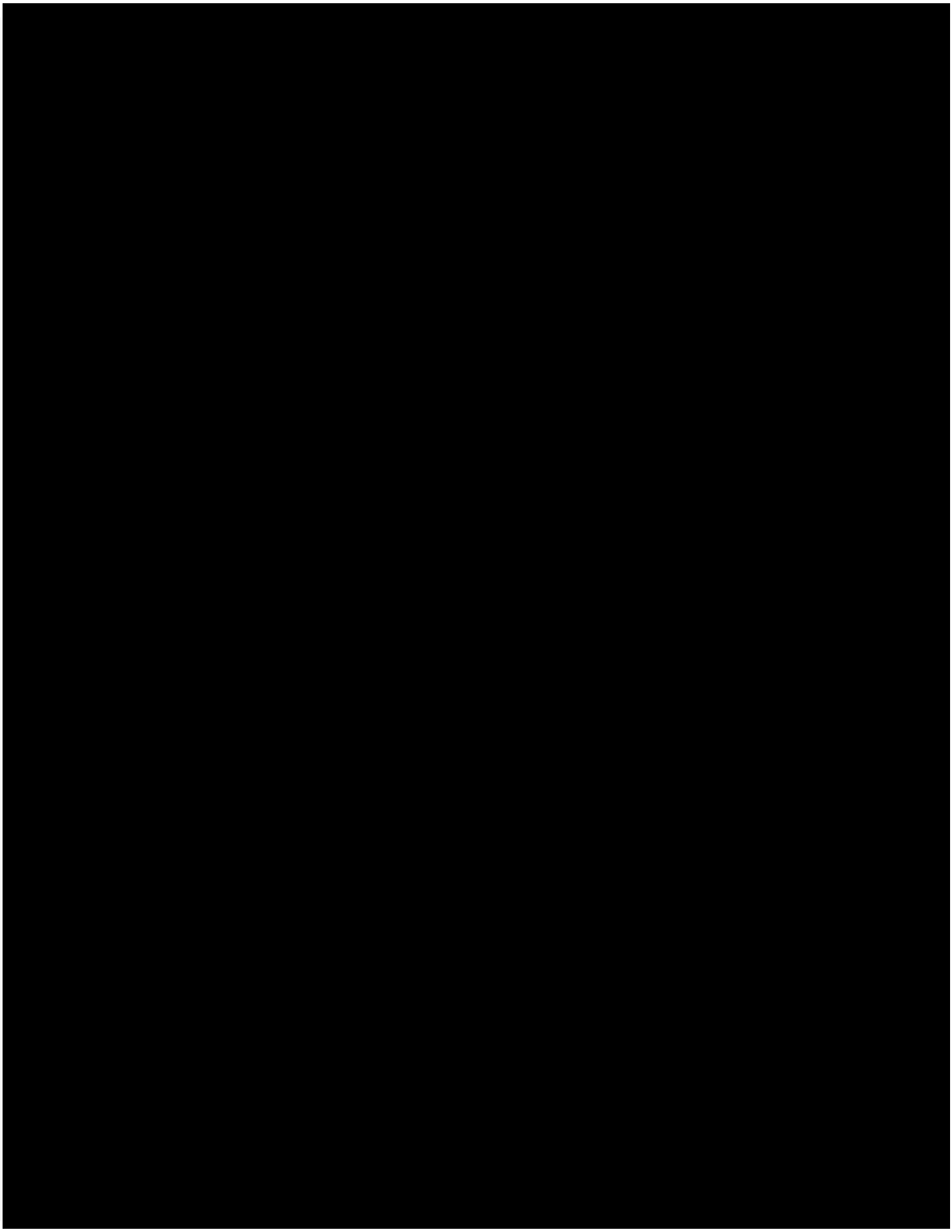
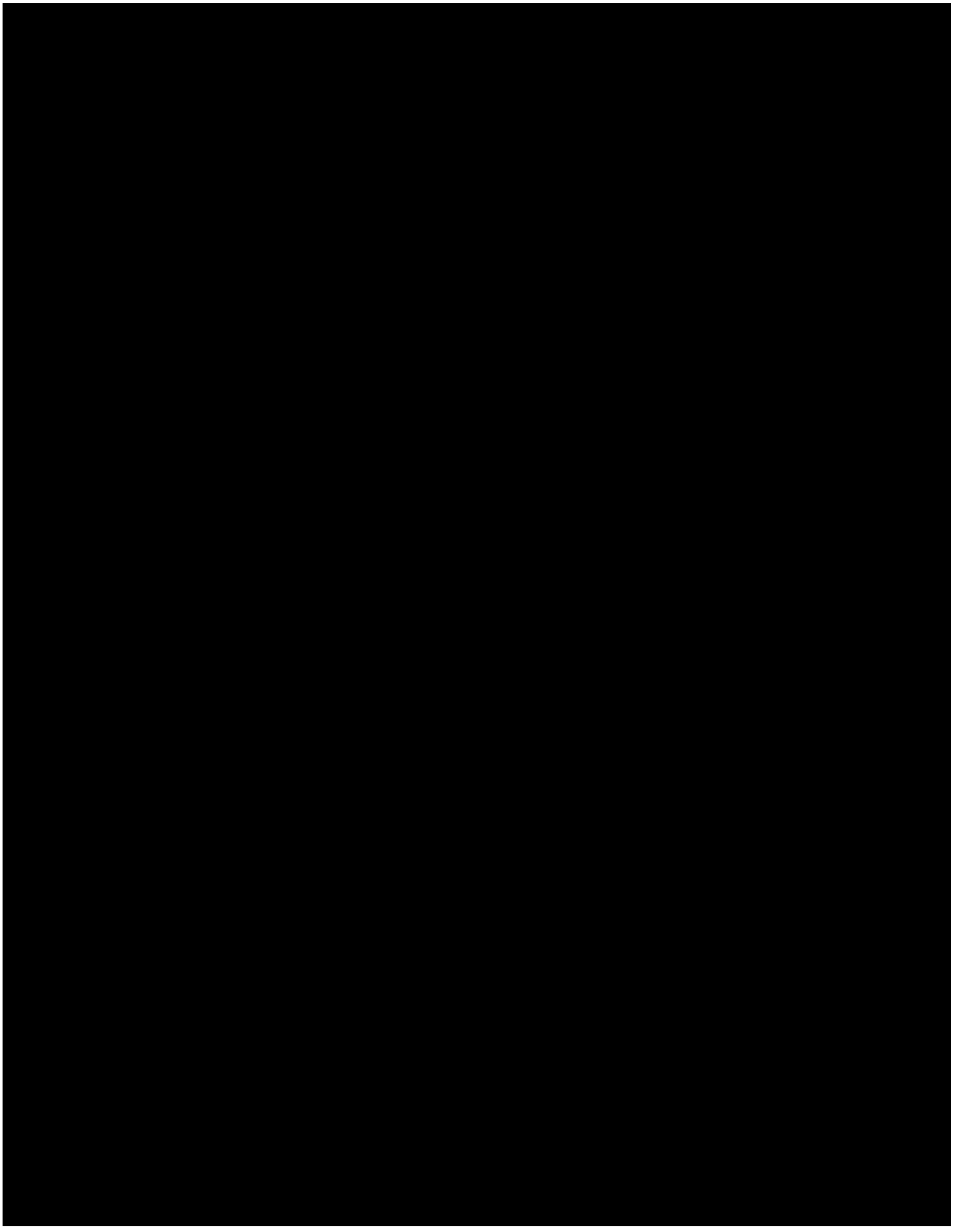
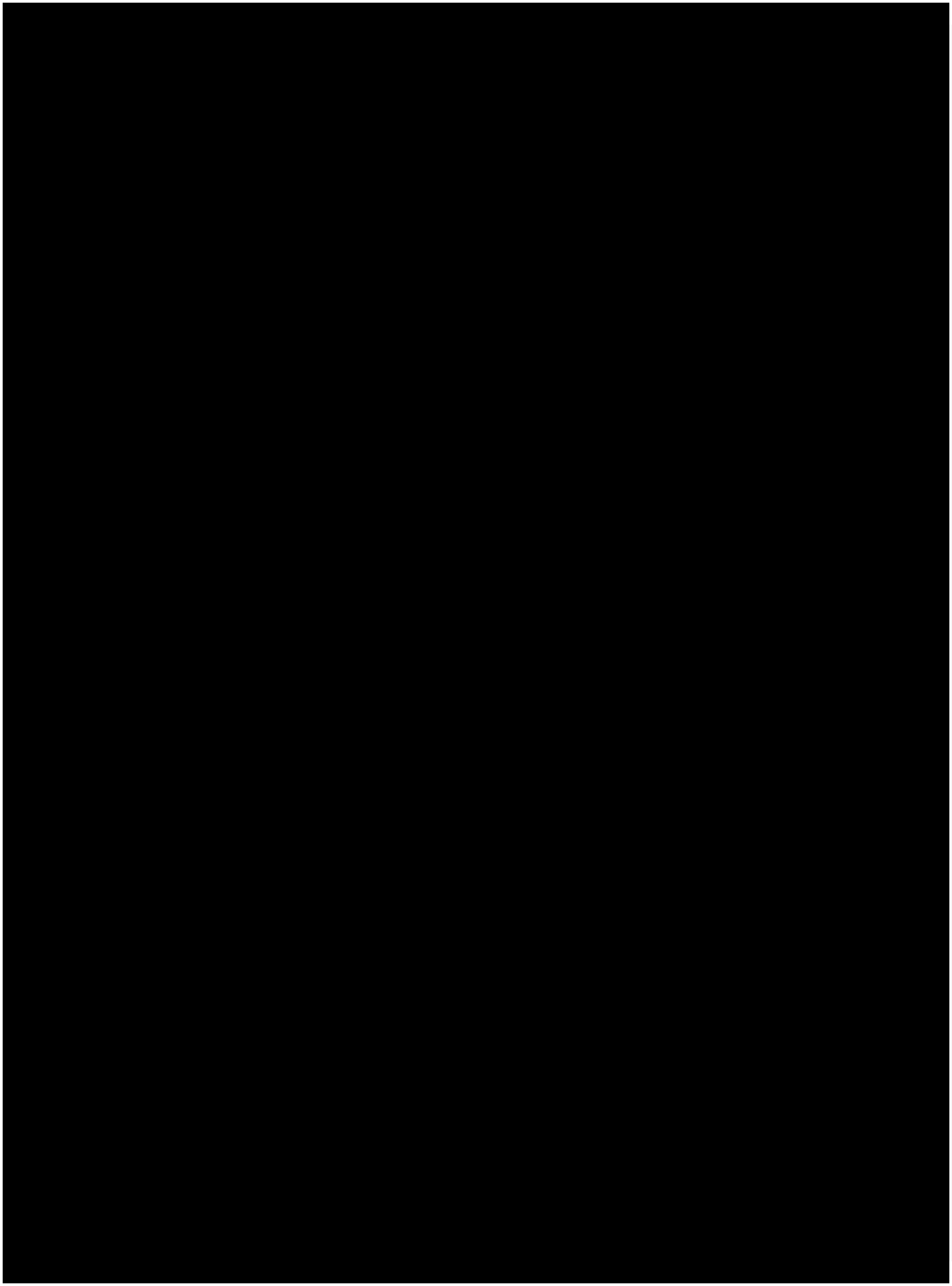
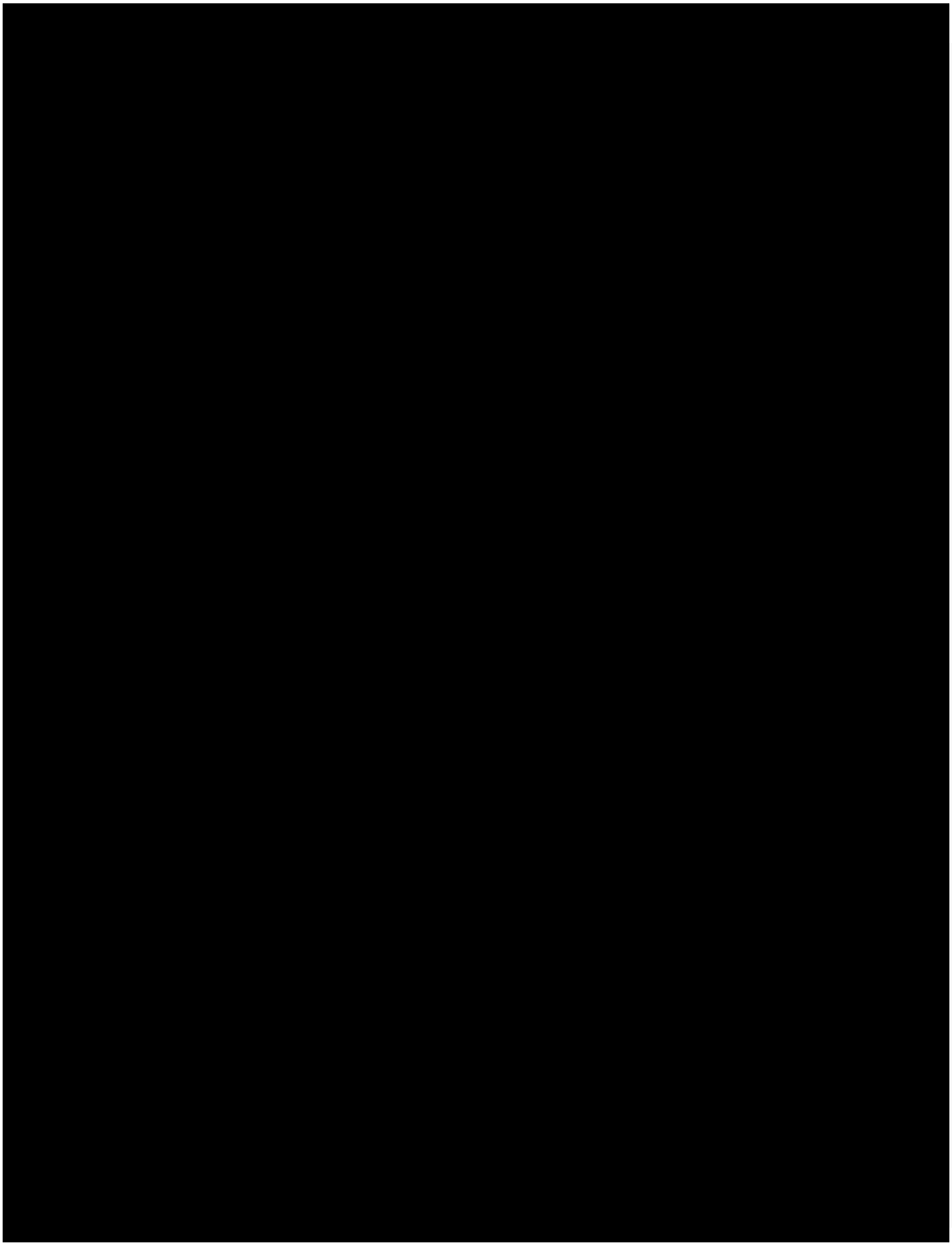
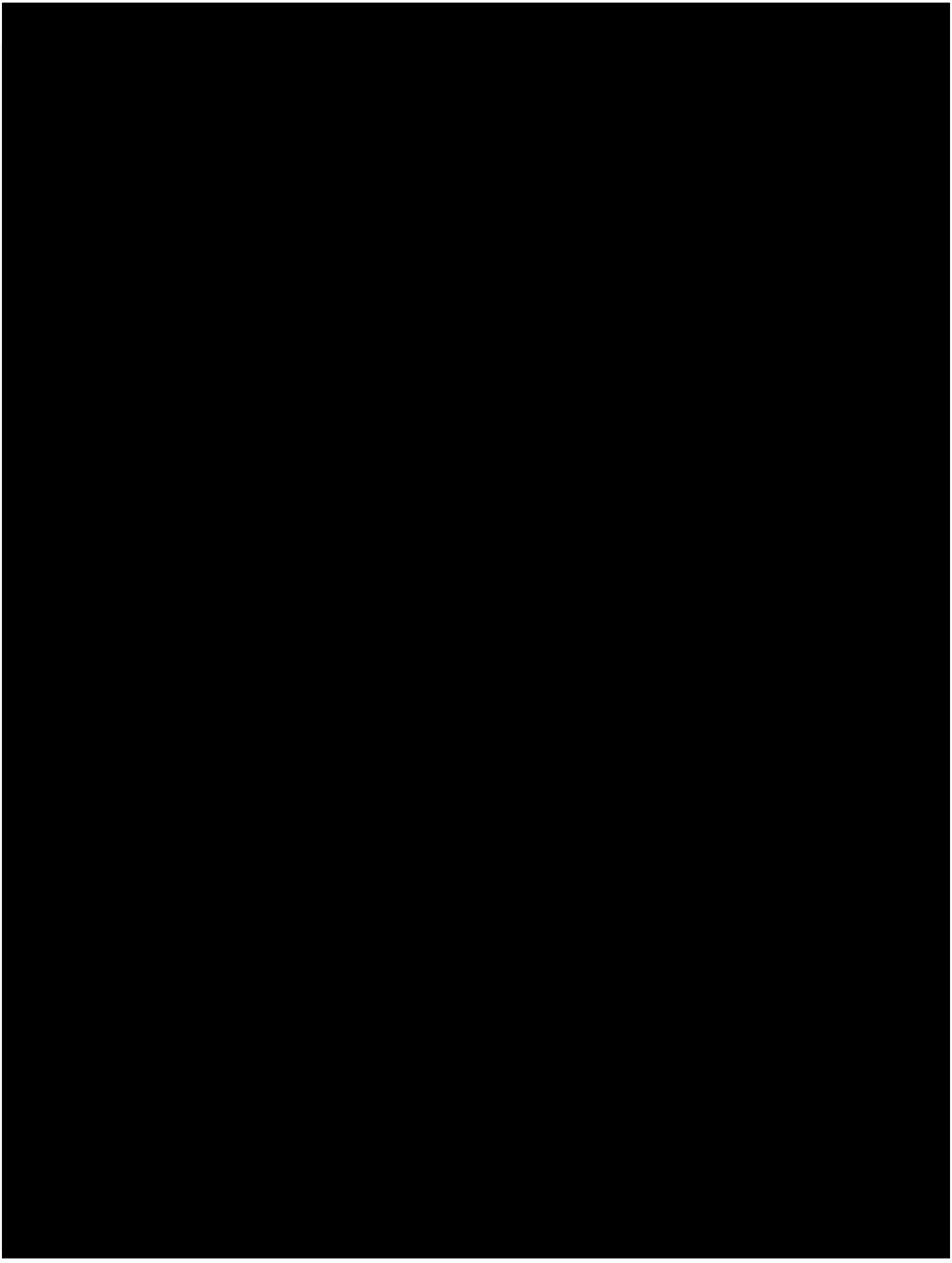
[redacted]











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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:49 PM
To: john.williams@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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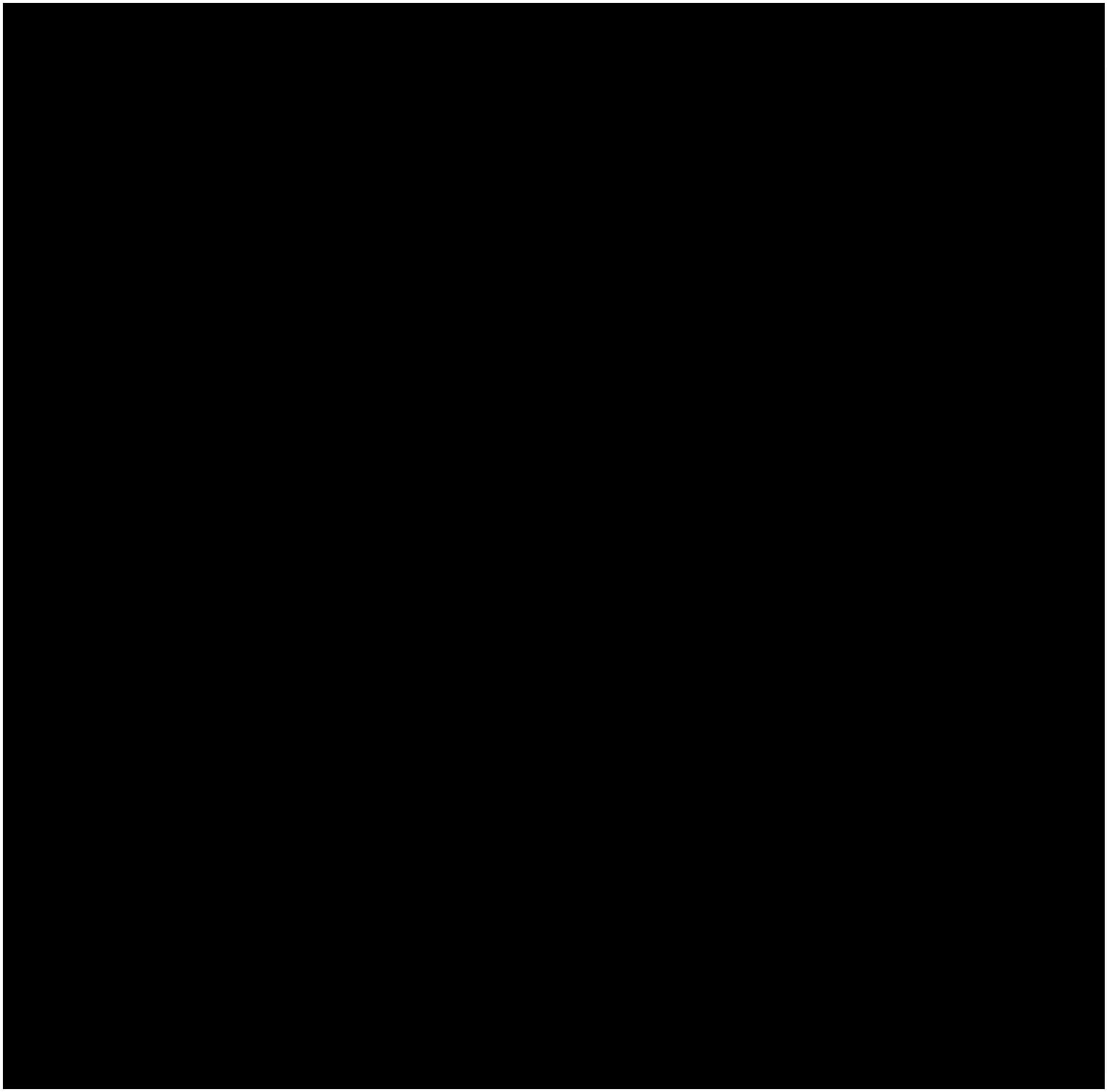

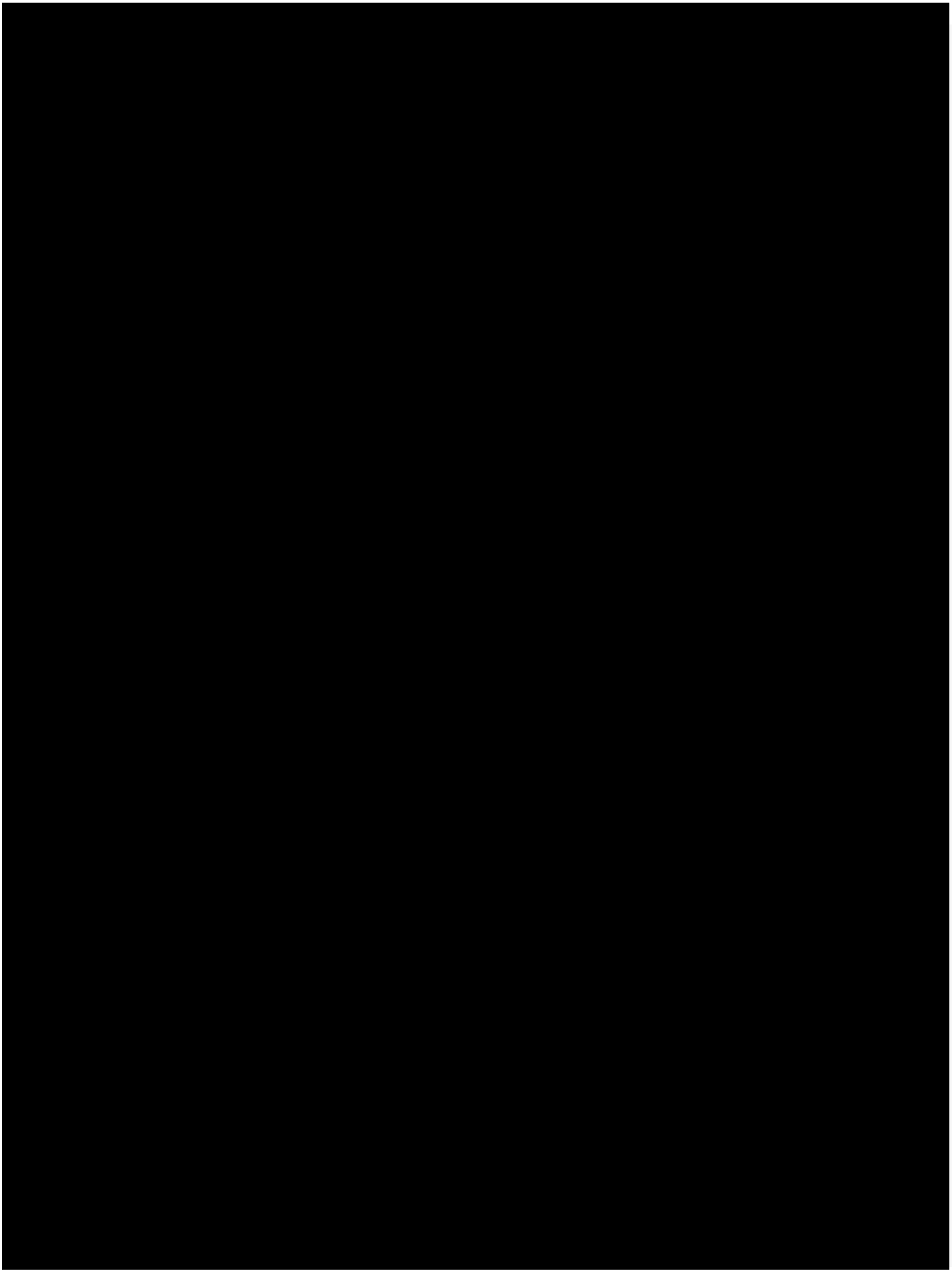

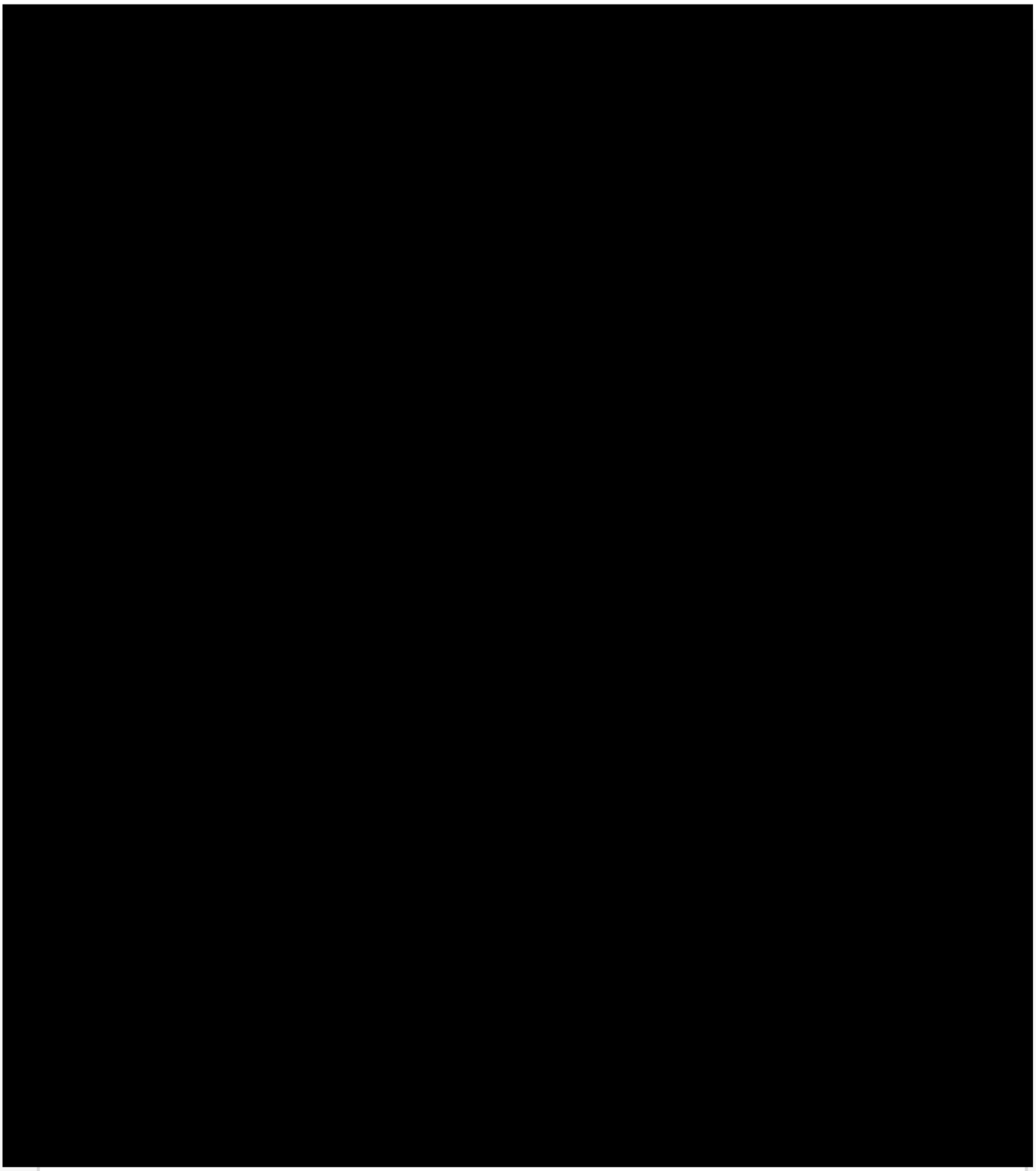

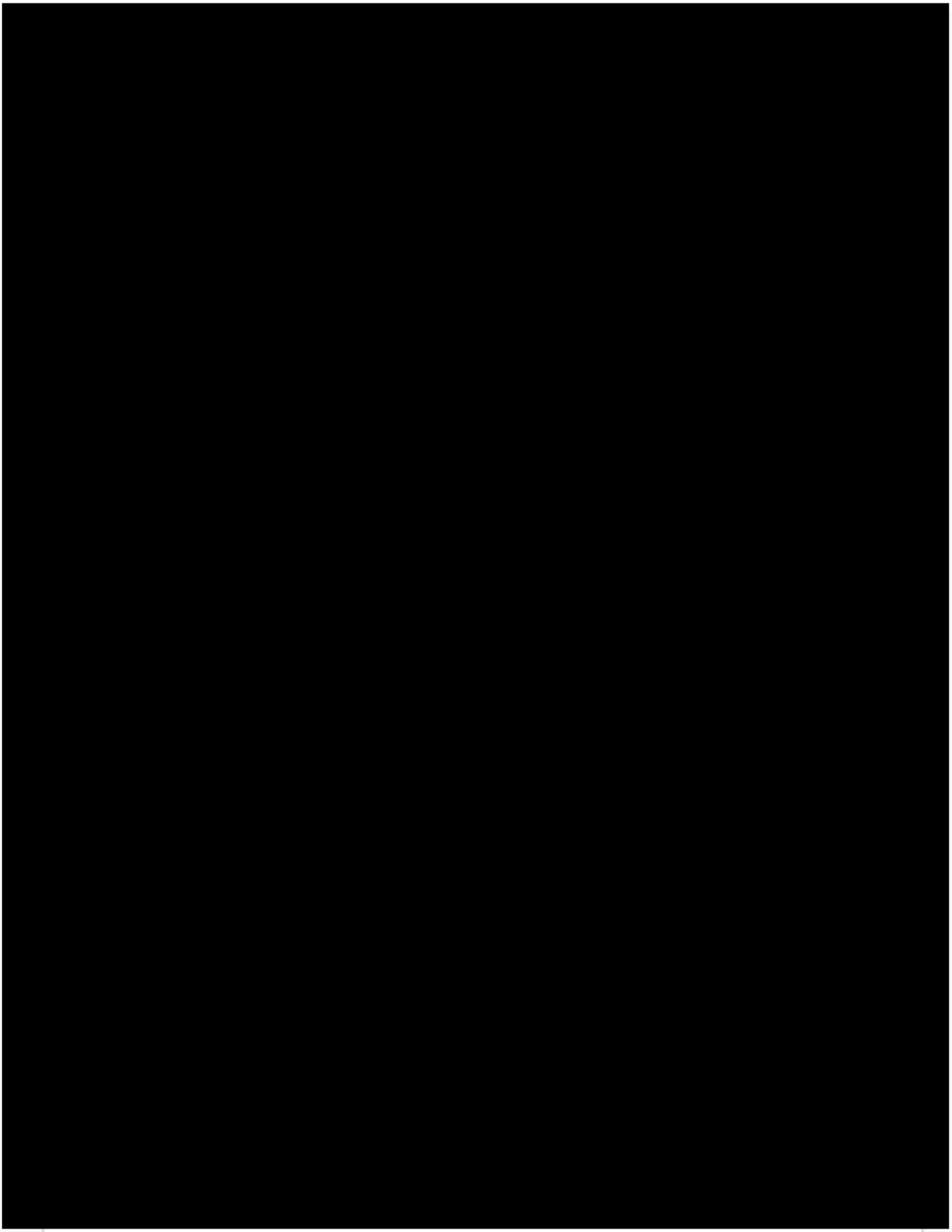

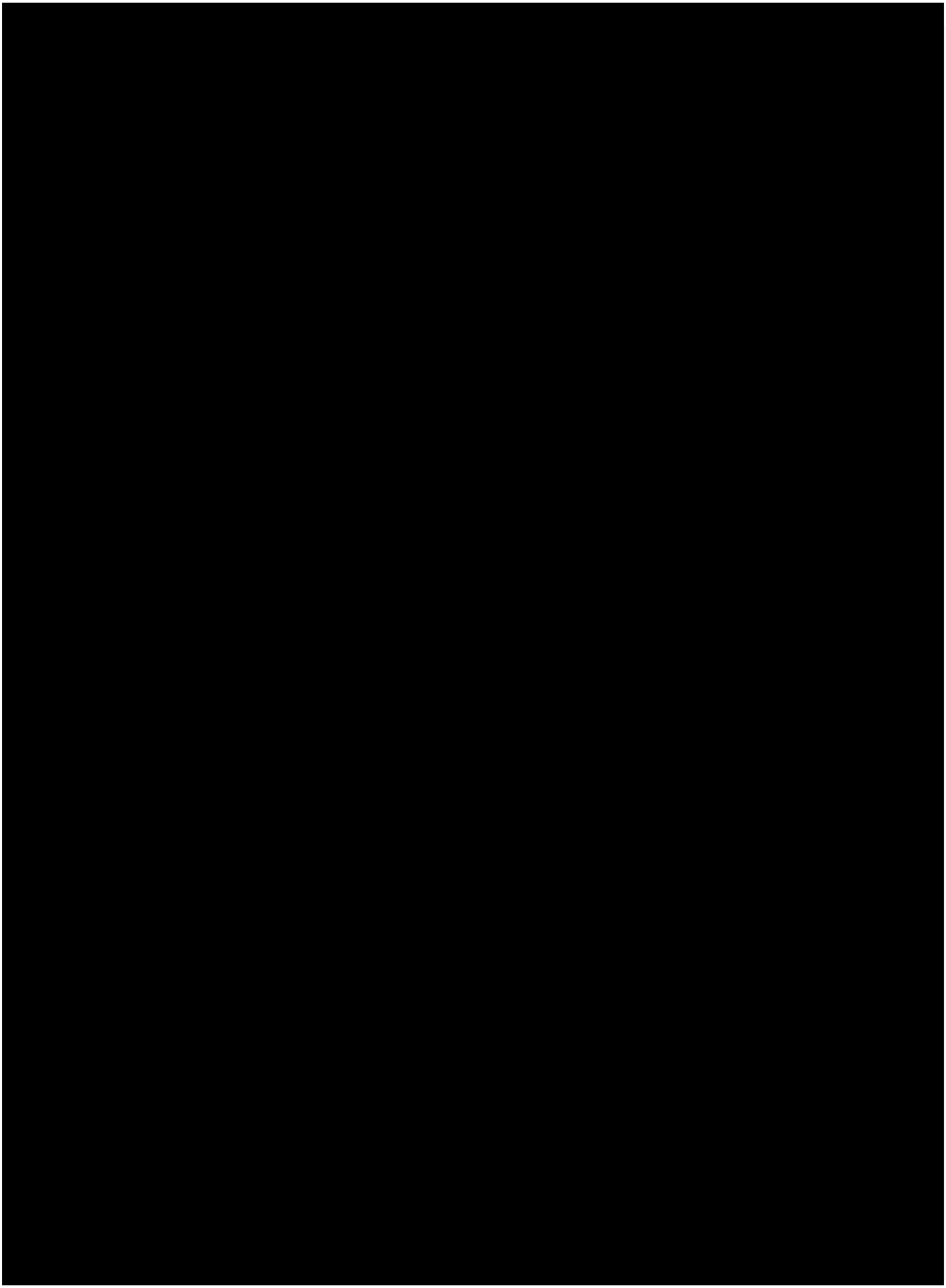

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Sent: Friday, July 29, 2022 1:49 PM
To: eula.kirkpatrick@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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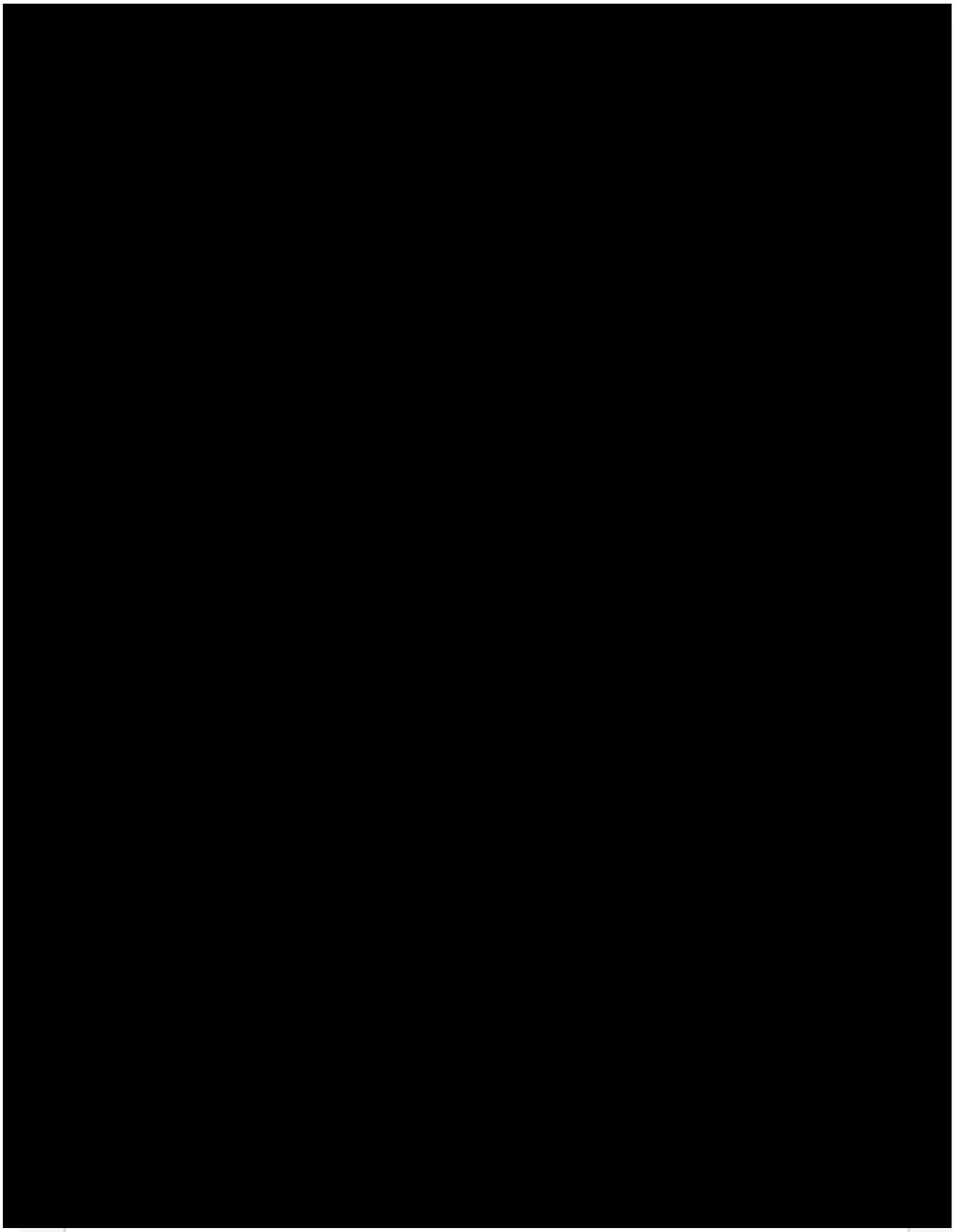

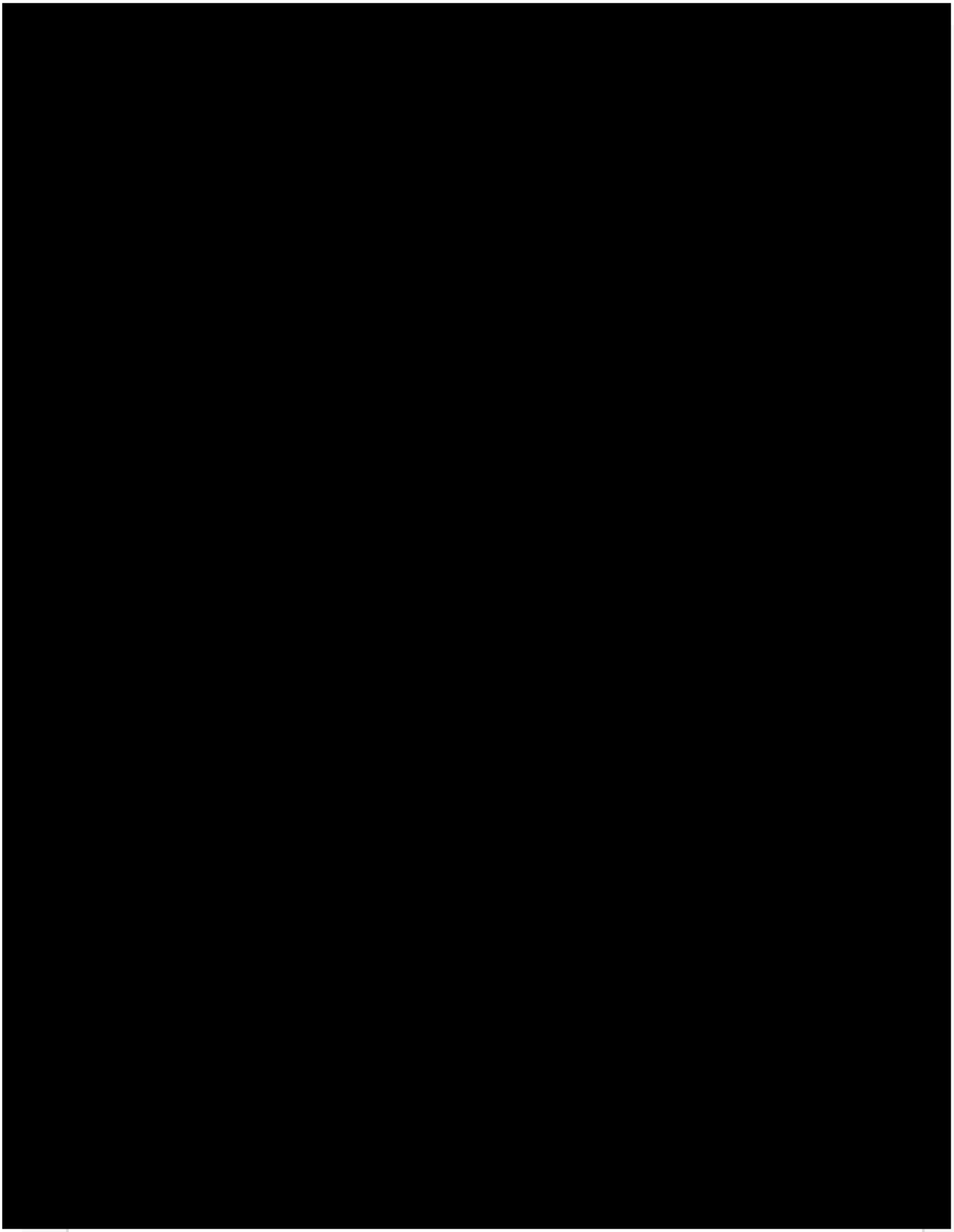

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:49 PM
To: carlene.zierfuss@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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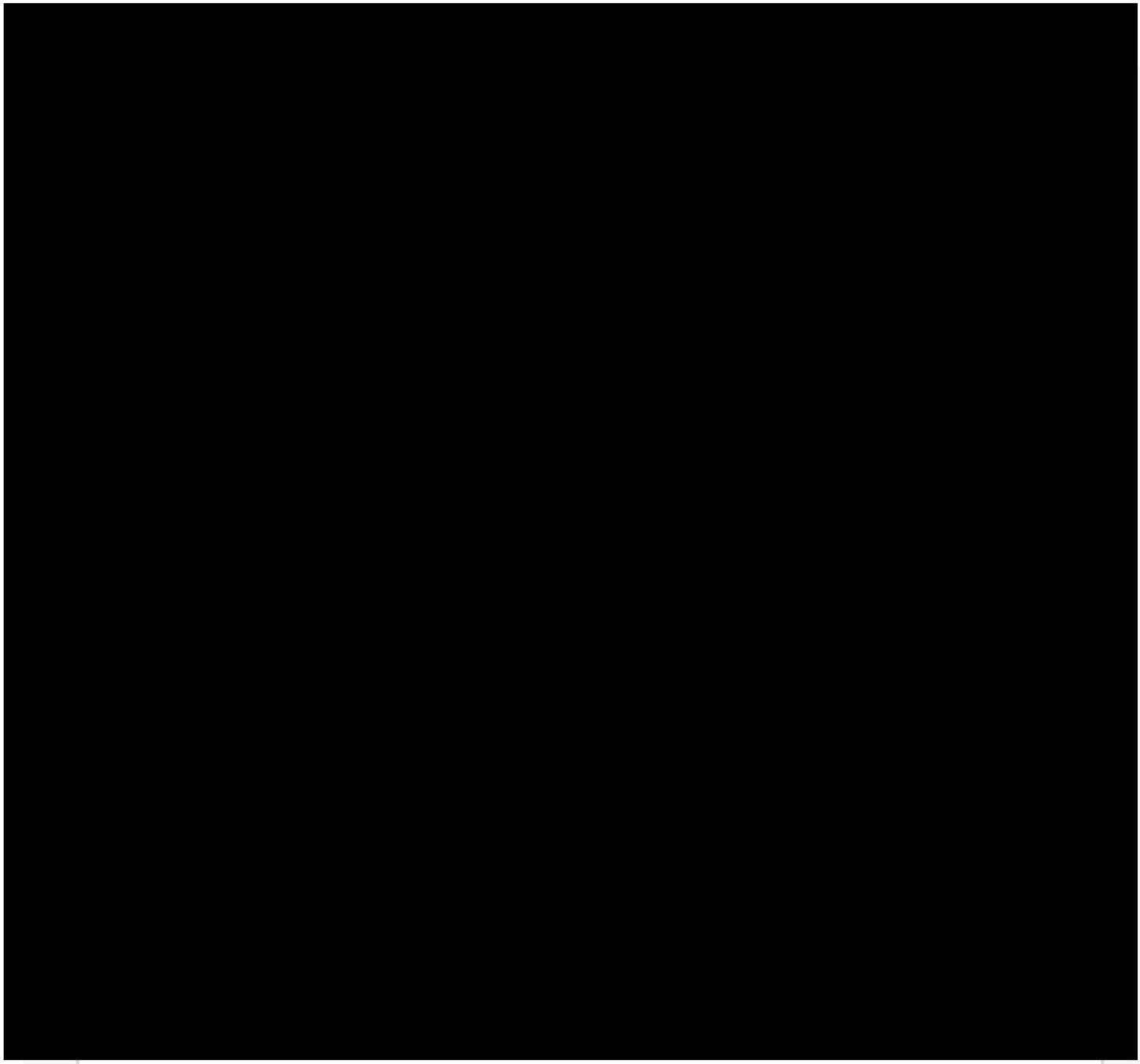

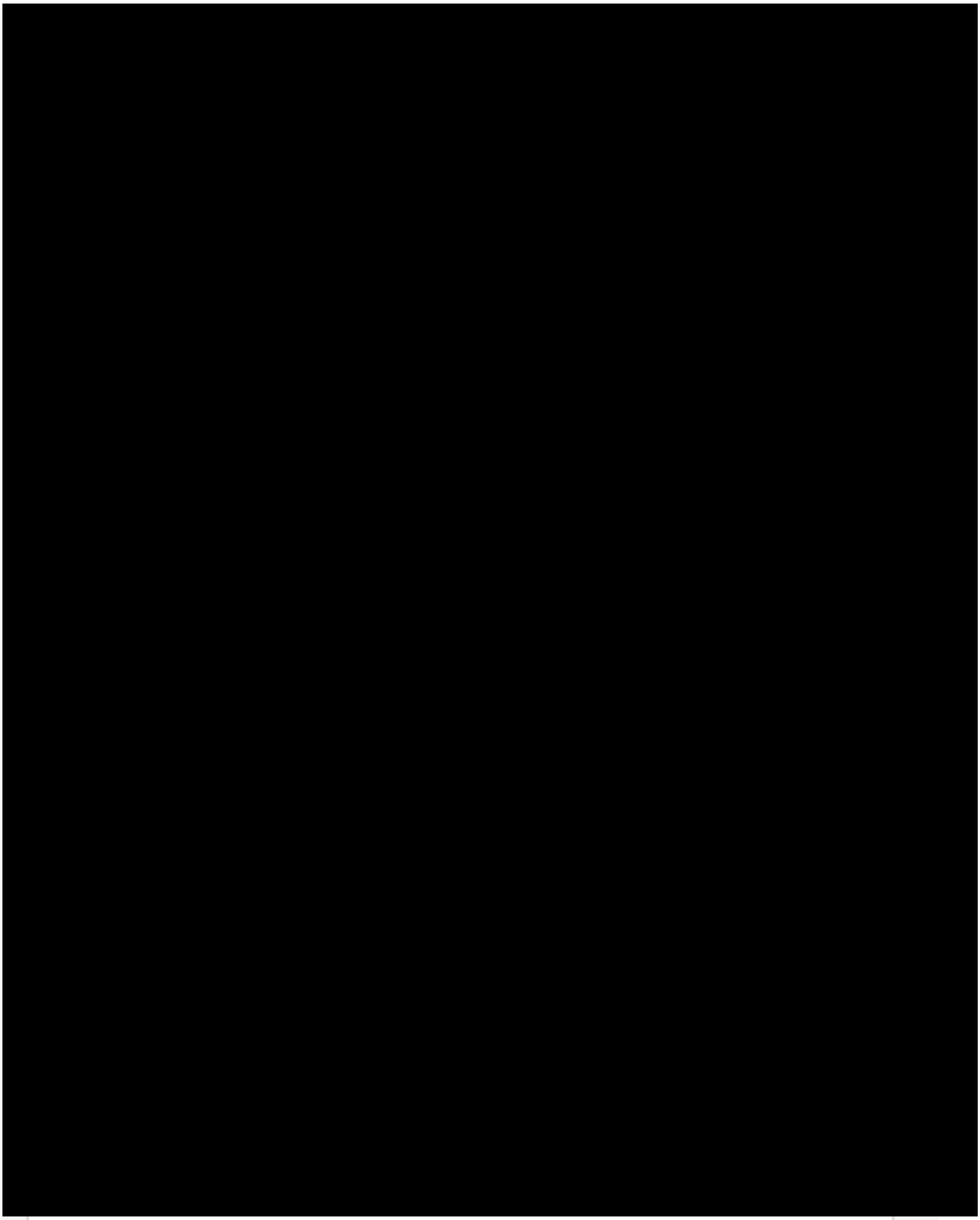

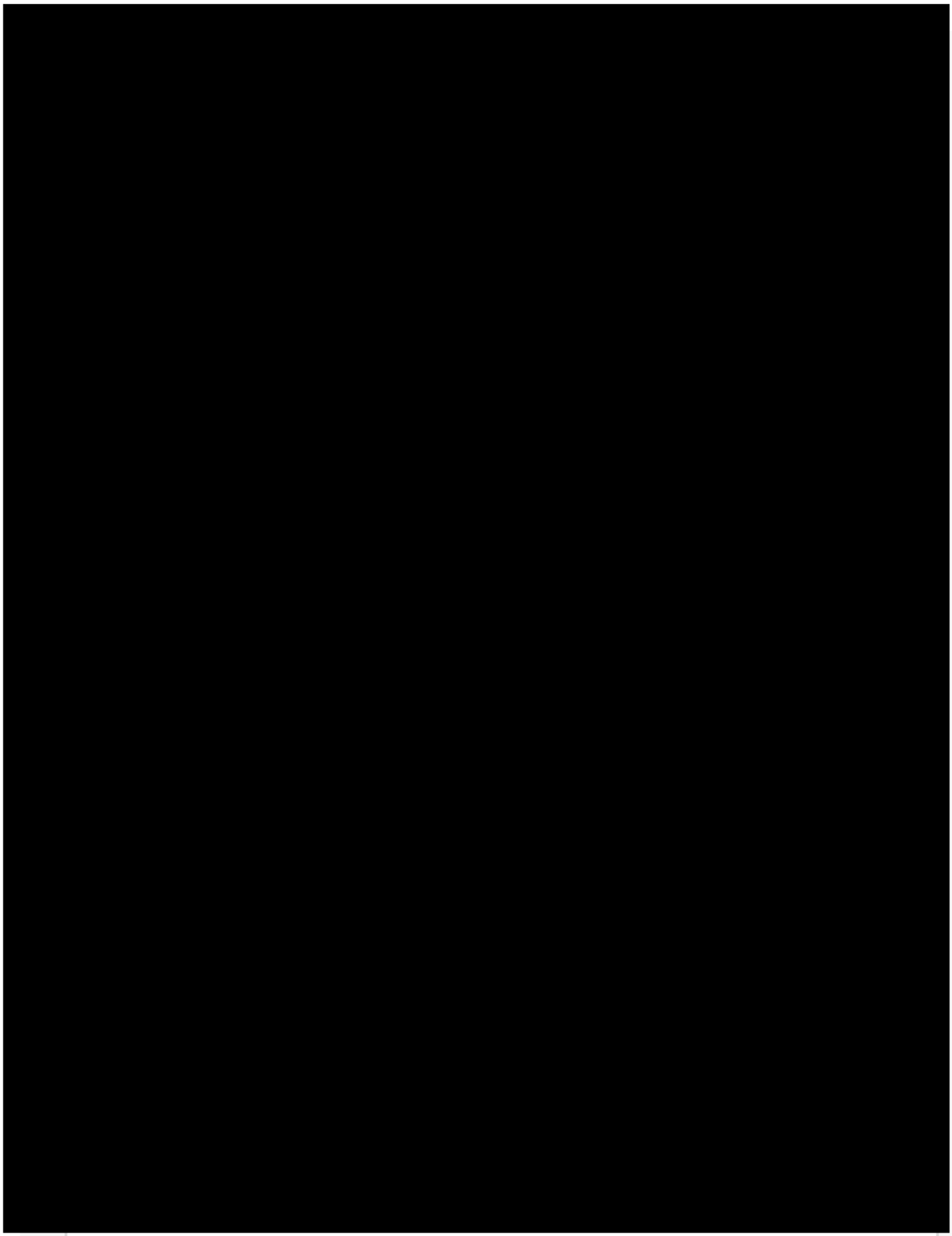



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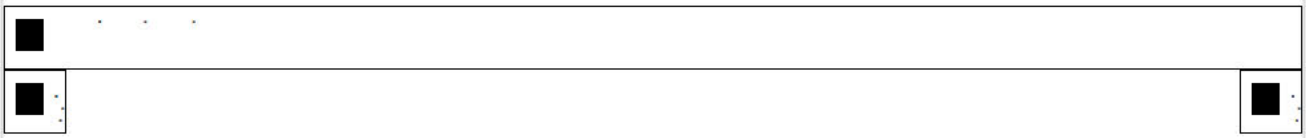

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:49 PM
To: Juanita.Murrell@Beaufort.k12.sc.us
Subject: School tech vetting problems persist

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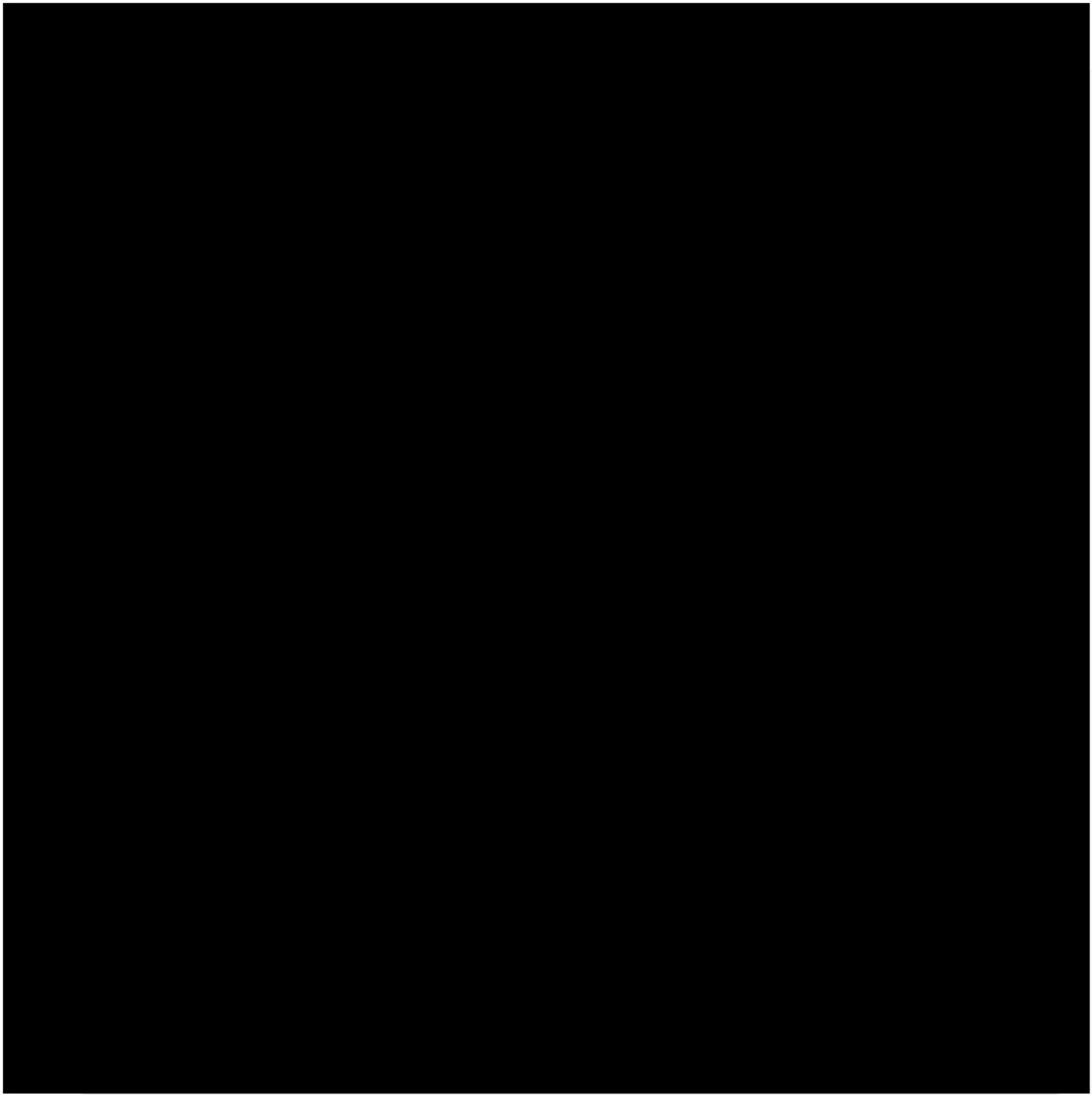

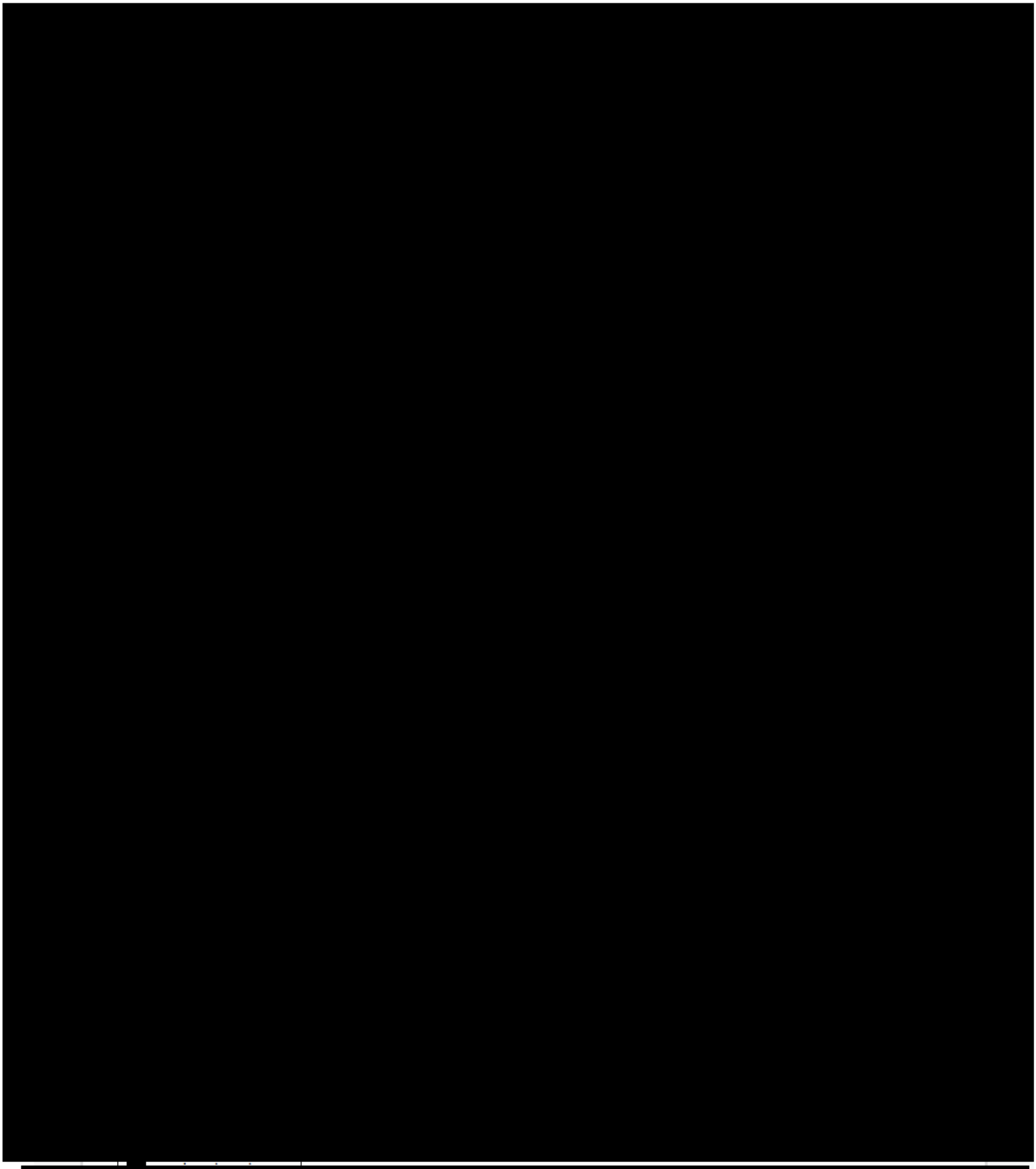

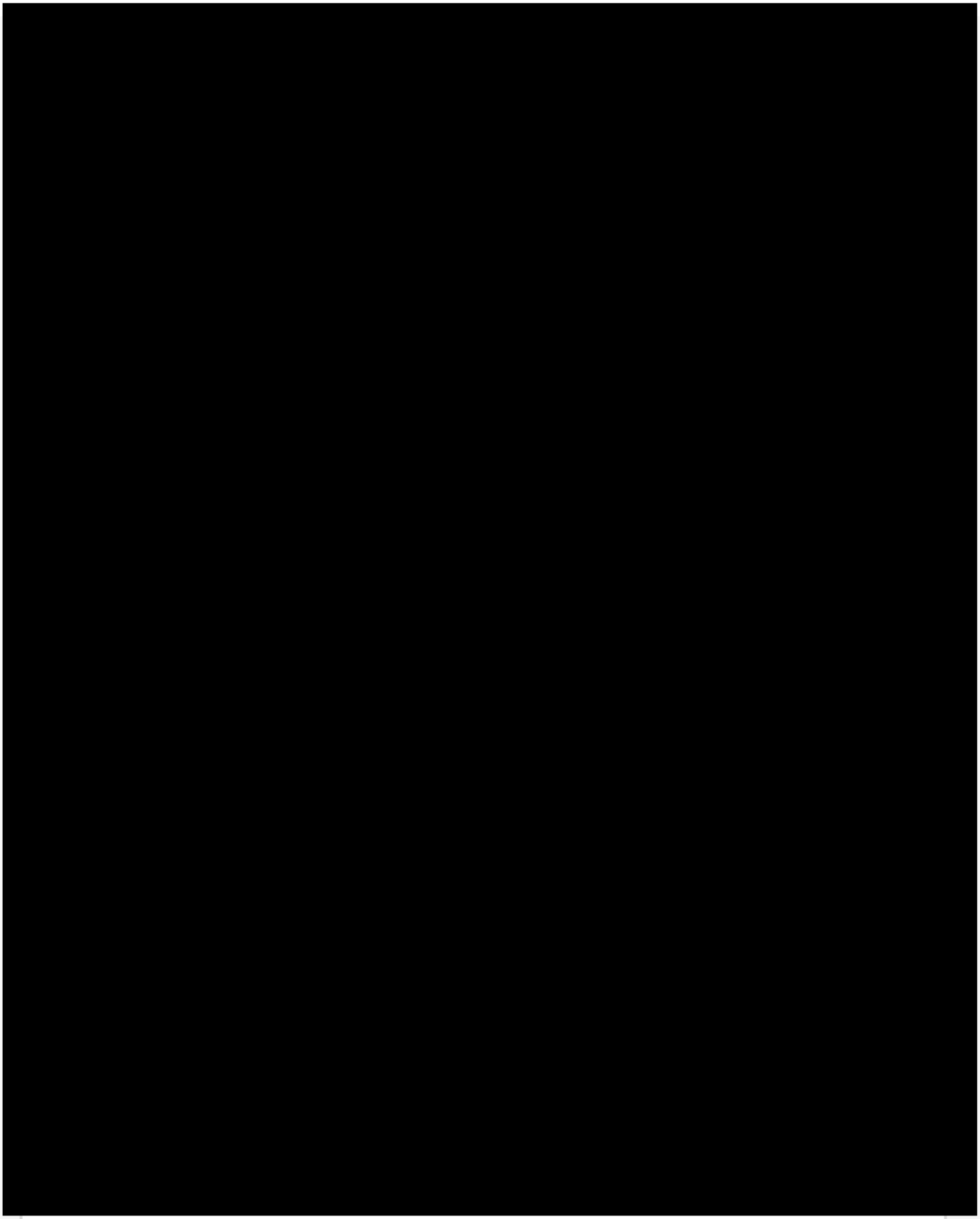

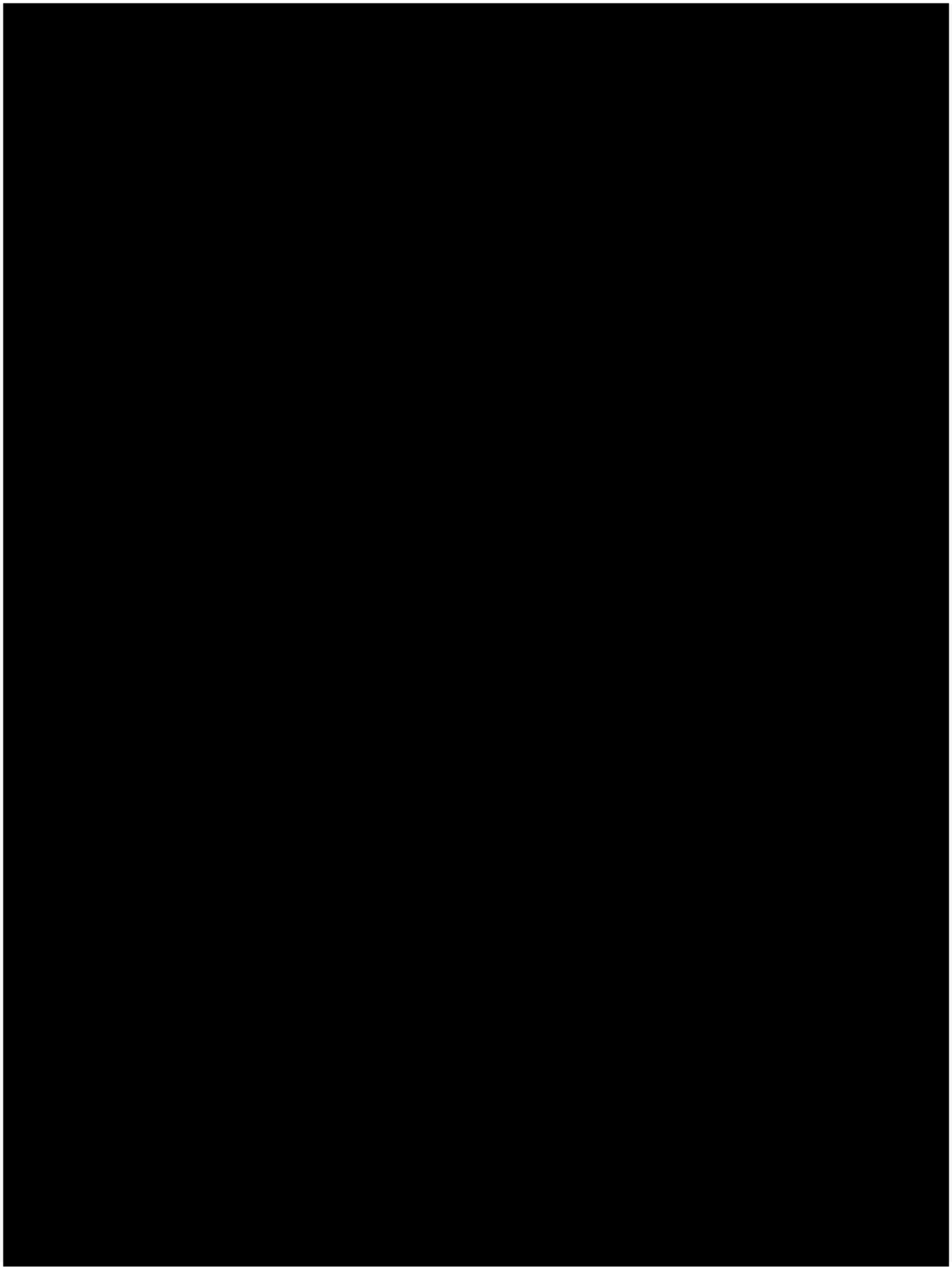



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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:49 PM
To: cynthia.armstrong@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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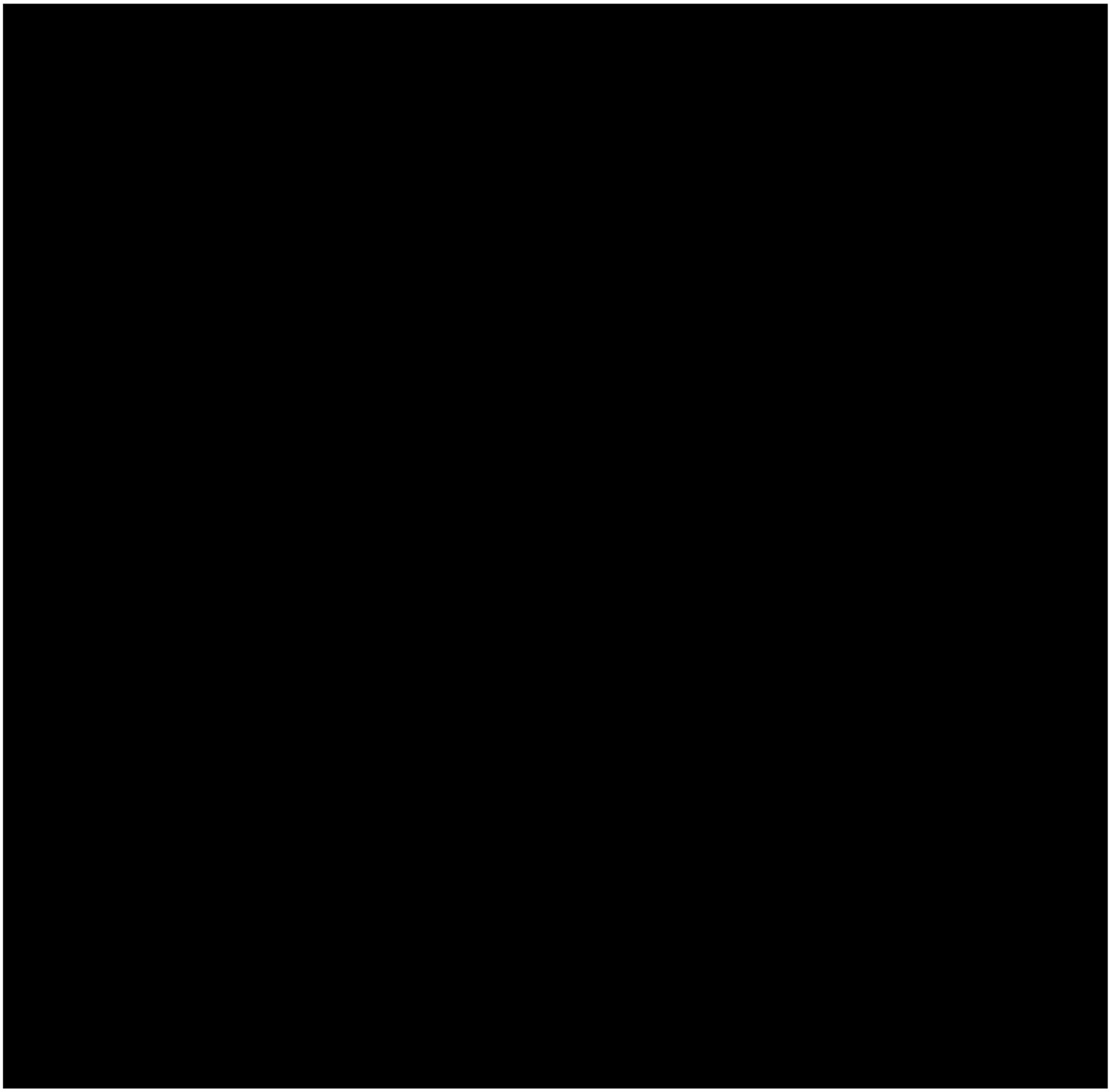

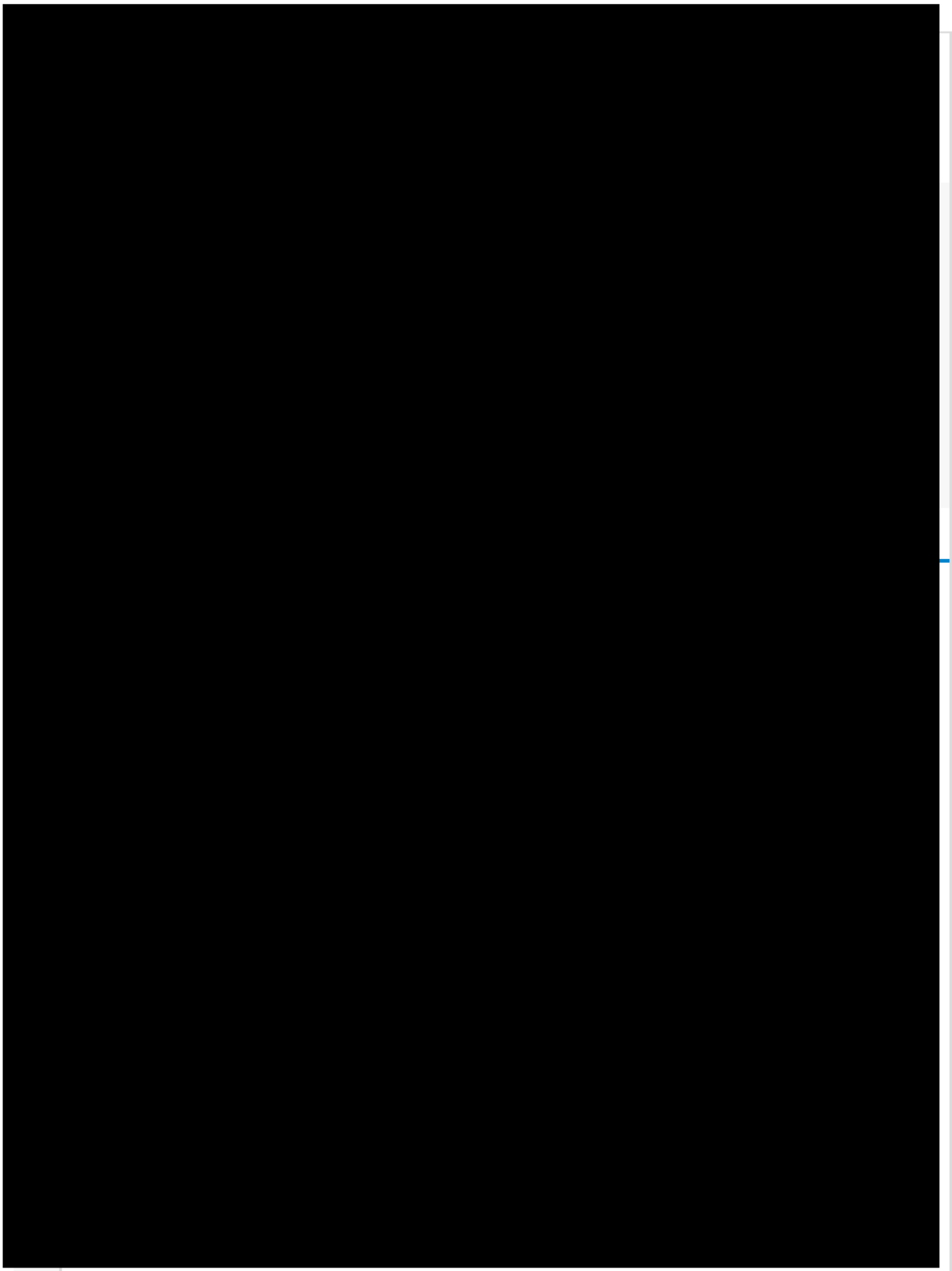

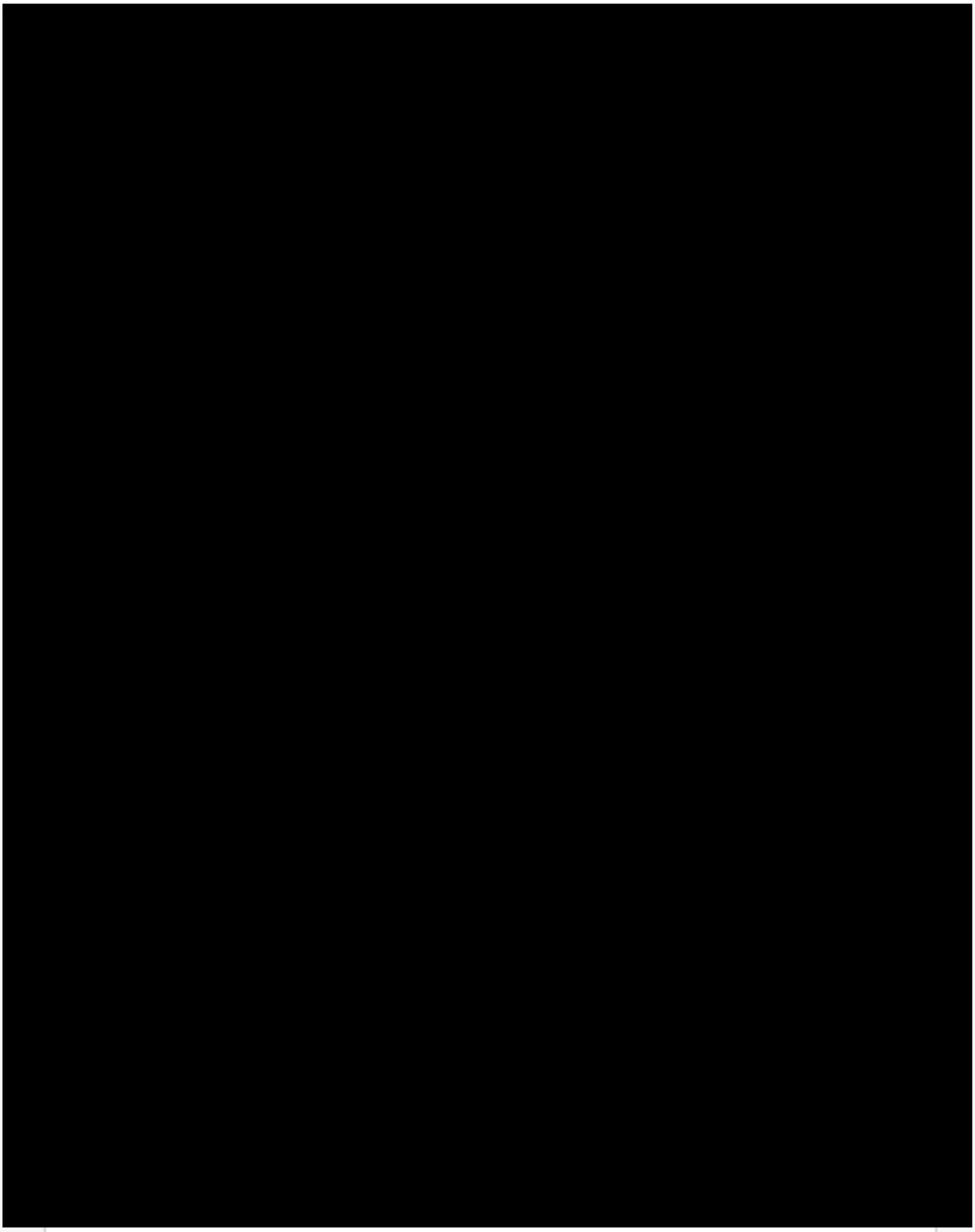

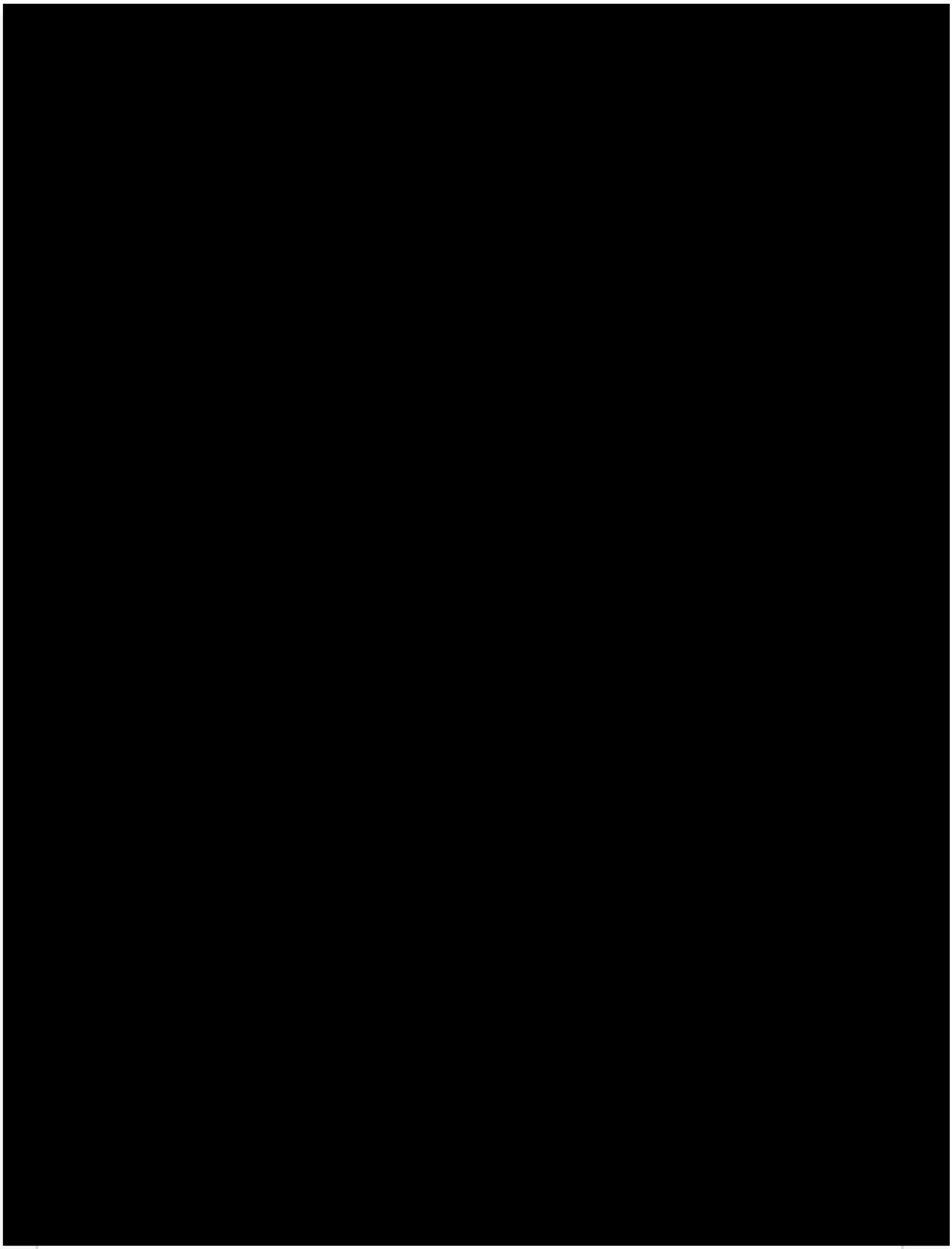

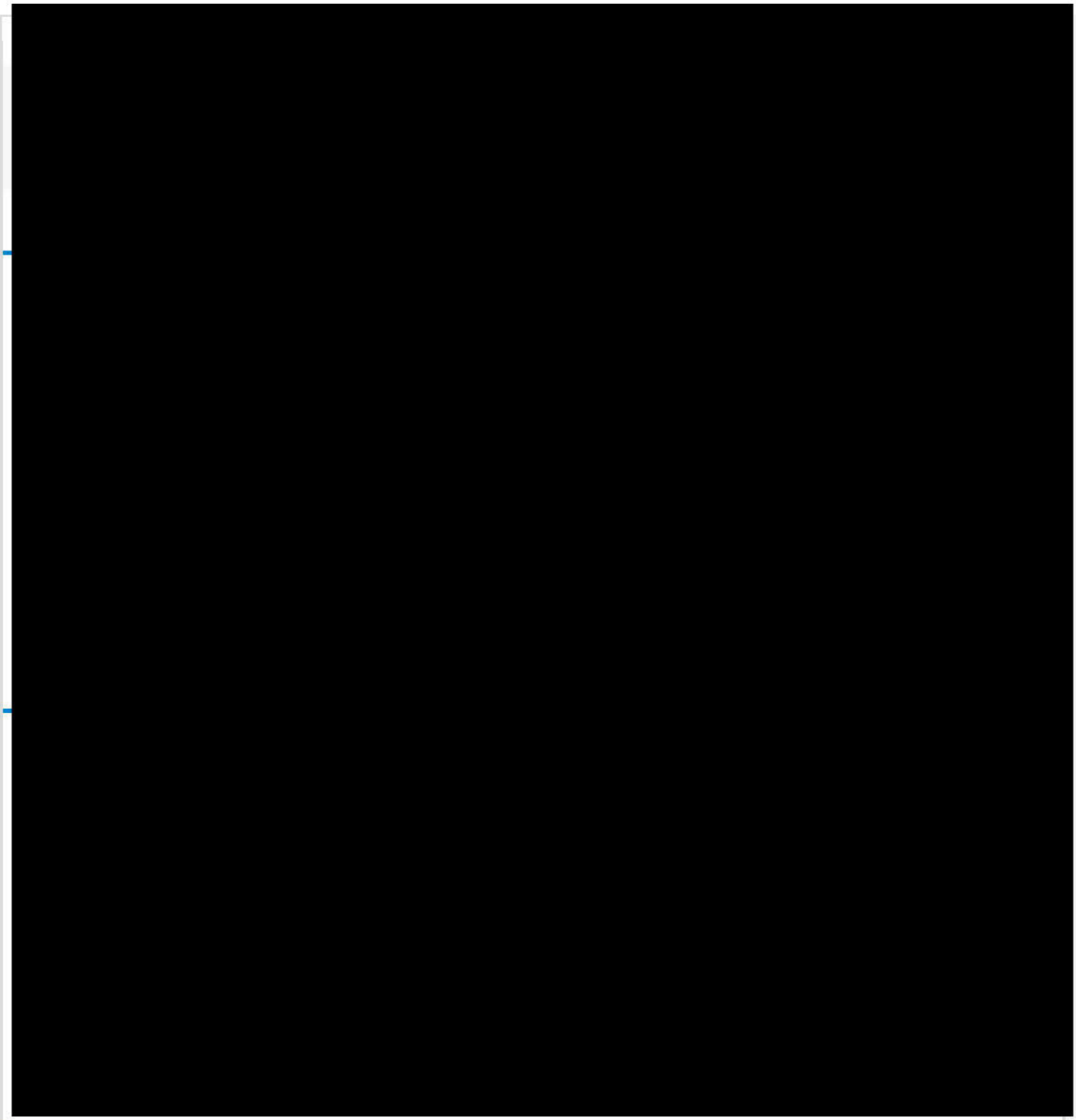

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From: postmaster@beaufort.k12.sc.us
Sent: Friday, July 29, 2022 1:49 PM
To: newsletters--EdTech@send.smartbrief.com
Subject: Undeliverable: School tech vetting problems persist
Attachments: School tech vetting problems persist

Your message to amber.blakes@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--EdTech	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	7/29/2022 5:48:10 PM
Sender Address:	newsletters--EdTech@send.smartbrief.com
Recipient Address:	amber.blakes@beaufort.k12.sc.us
Subject:	School tech vetting problems persist

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (amber.blakes@beaufort.k12.sc.us:blocked)*
DSN generated by:	BYAPR08MB6054.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	7/29/2022 5:48:11 PM		mail1.smartbrief.com	
2	7/29/2022 5:48:31 PM	mail32.smartbrief.com	mx-inbound18-119.us-east-2b.ess.aws.cudaops.com	
3	7/29/2022 5:48:34 PM	outbound-ip77b.ess.barracuda.com	MW2NAM12FT014.mail.protection.outlook.com	Microsoft SMTP Ser cipher=TLS_ECDHE_
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Original Message Headers

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Received-SPF: Fail (protection.outlook.com: domain of send.smartbrief.com does
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Received: by mail1.smartbrief.com id hsgemu2ug08v for <amber.blakes@beaufort.k12.sc.us>;
Fri, 29 Jul 2022 12:48:11 -0500 (envelope-from <newsletters--EdTech@send.smartbrief.com>)
Date: Fri, 29 Jul 2022 12:48:10 -0500 (CDT)
From: "SmartBrief on EdTech" <edtech@smartbrief.com>
To: amber.blakes@beaufort.k12.sc.us
Message-ID: <bounce--hncbxolldeylwl3c@send.smartbrief.com>
Subject: School tech vetting problems persist
MIME-Version: 1.0

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:48 PM
To: Kathy.scharfenberg@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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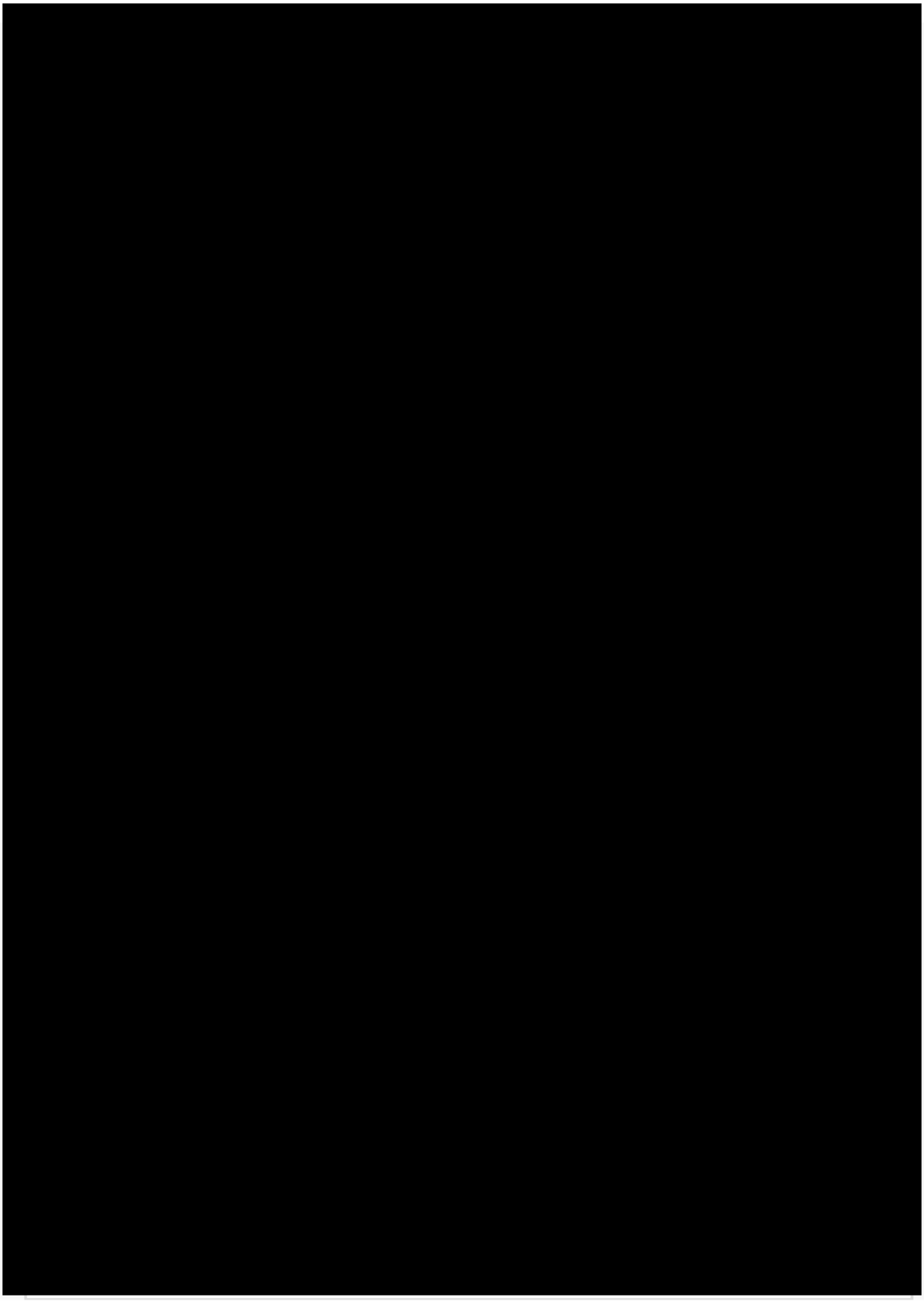

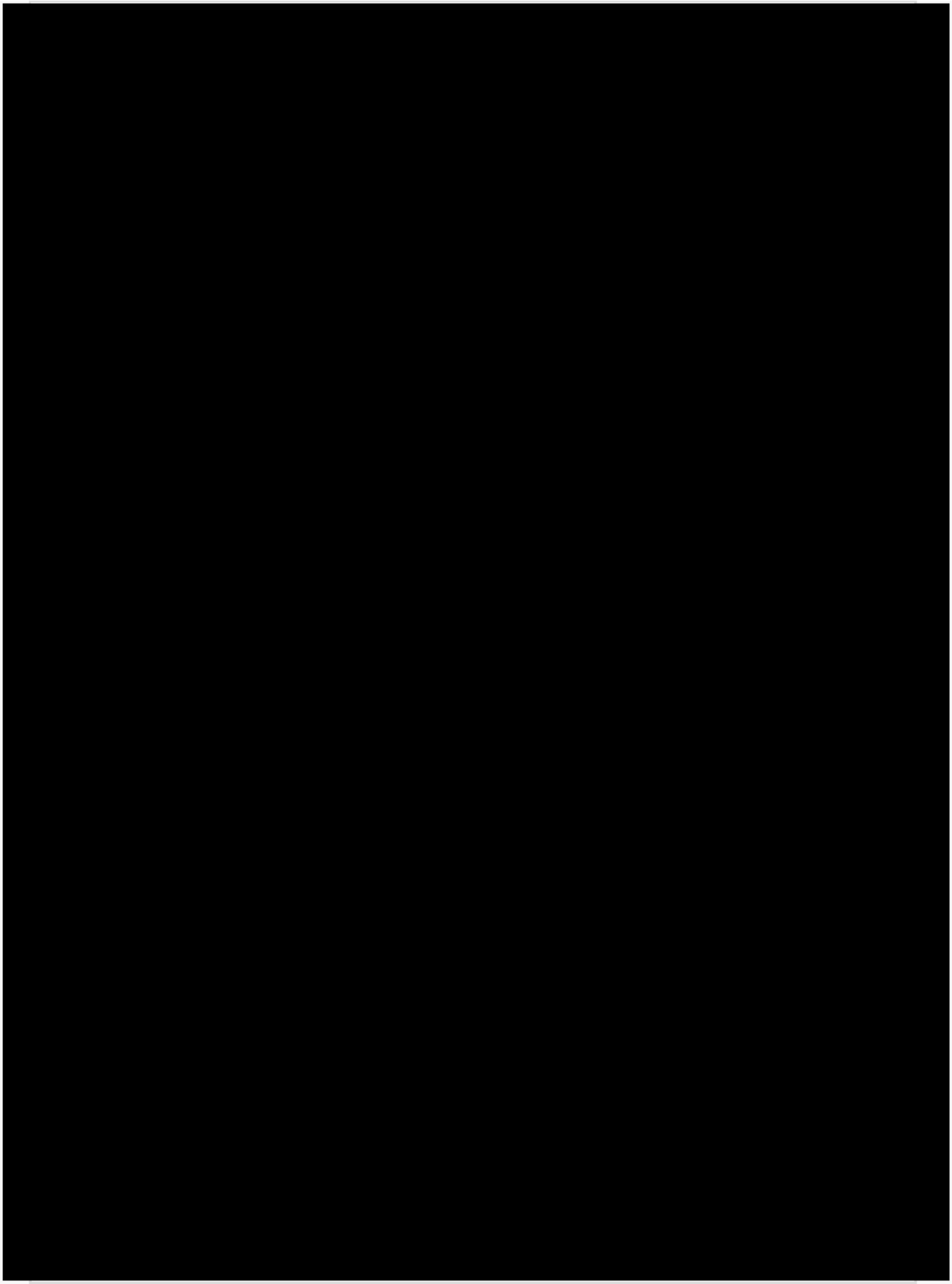

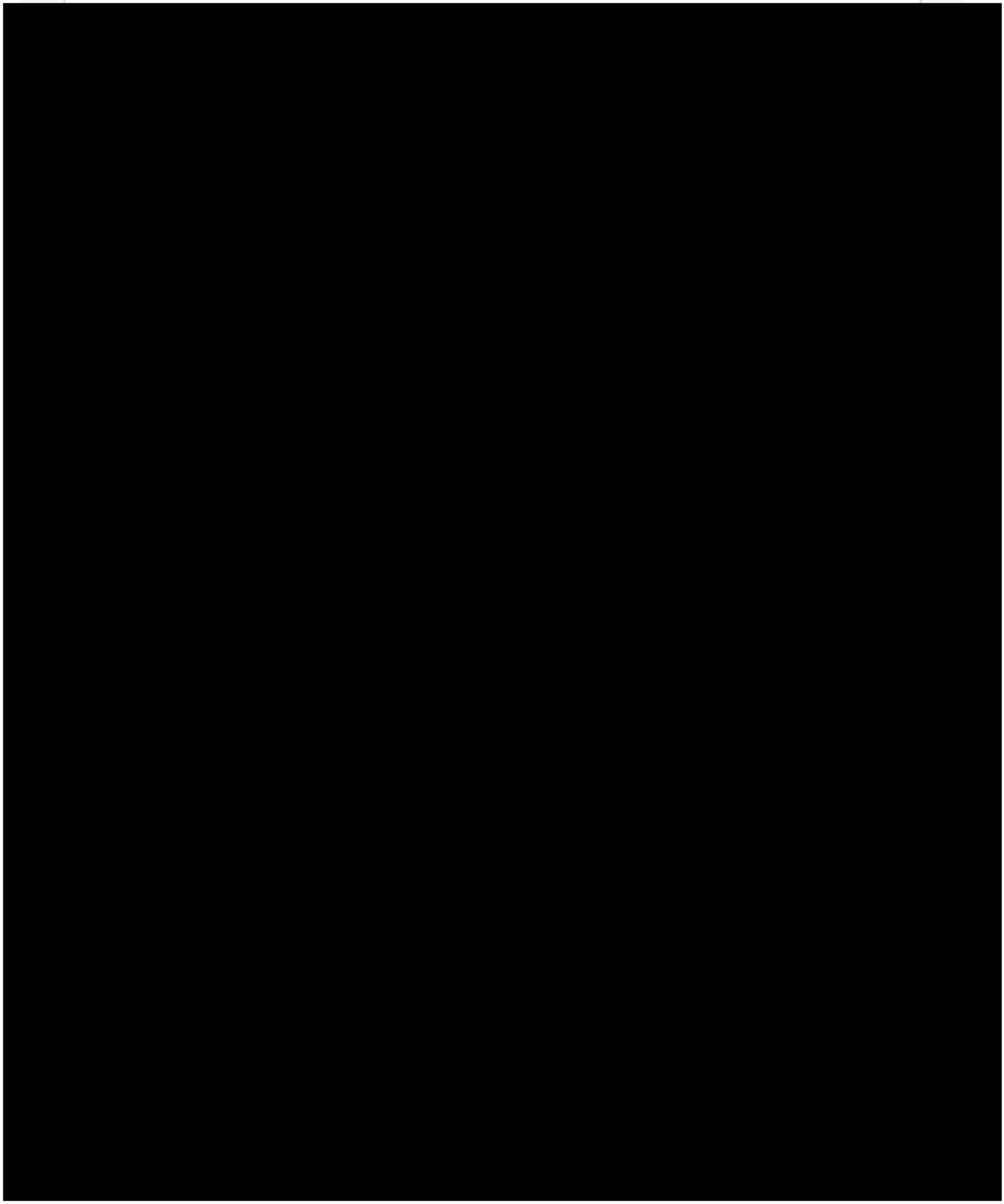

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Subject: School tech vetting problems persist

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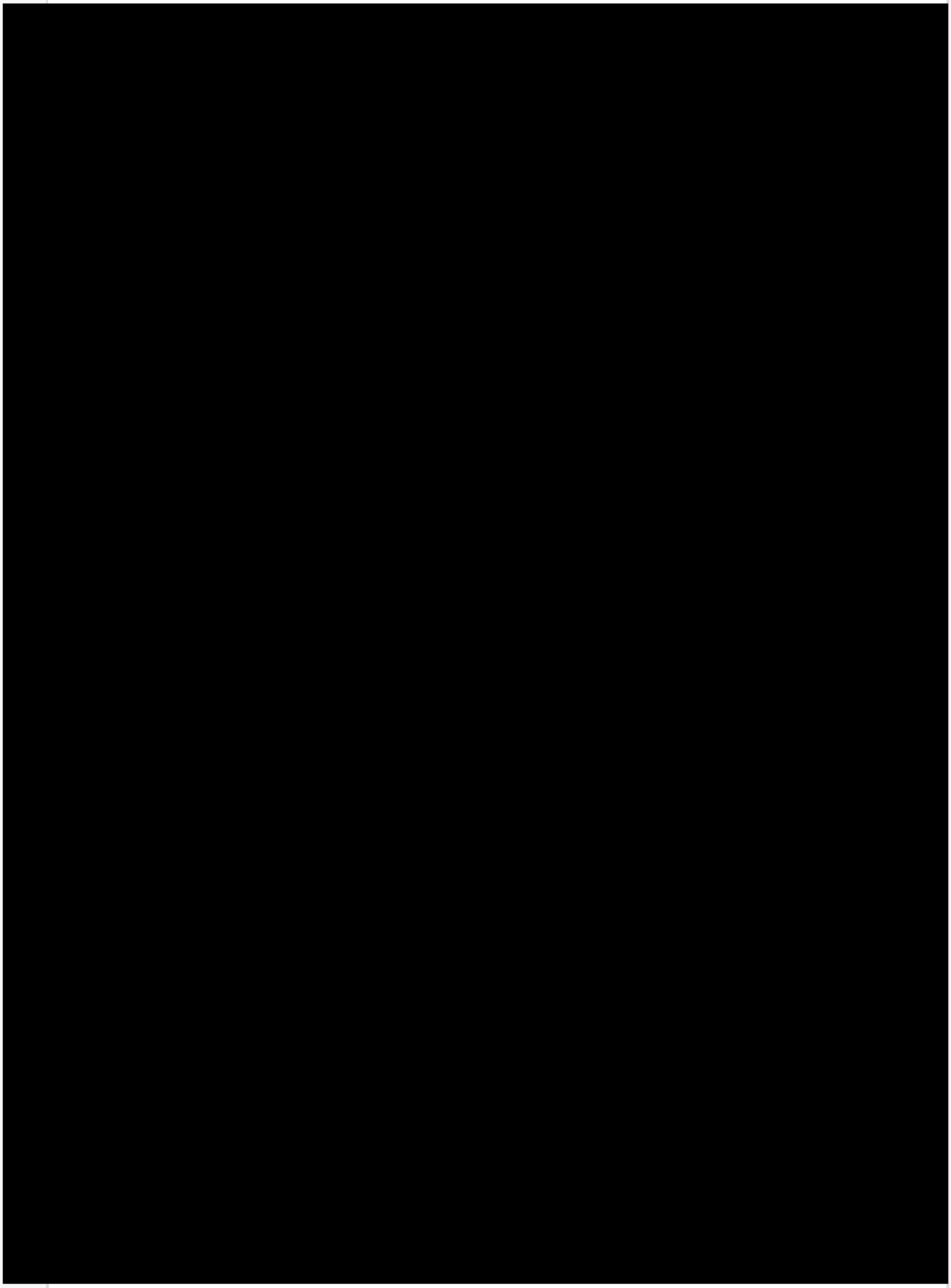

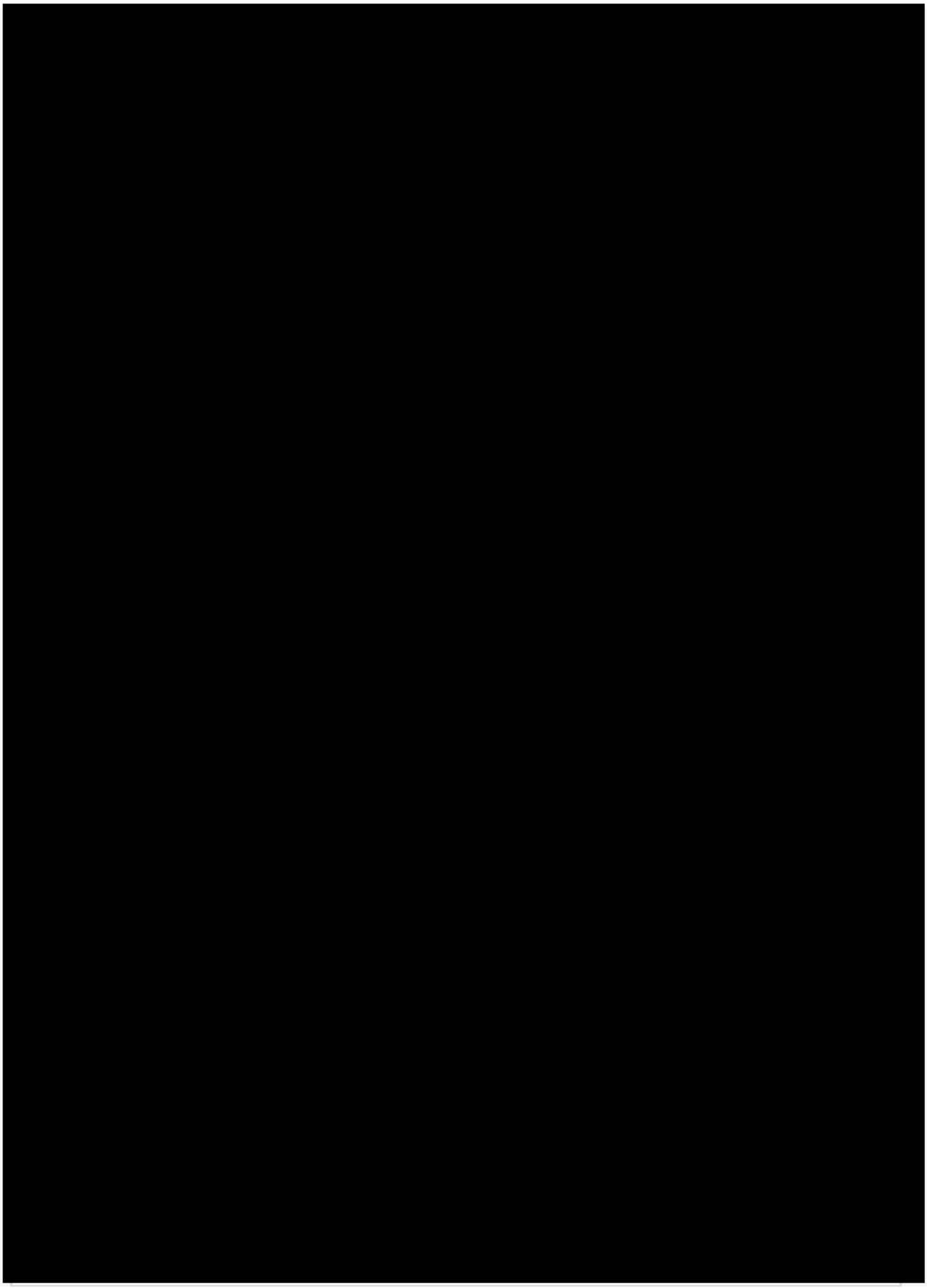

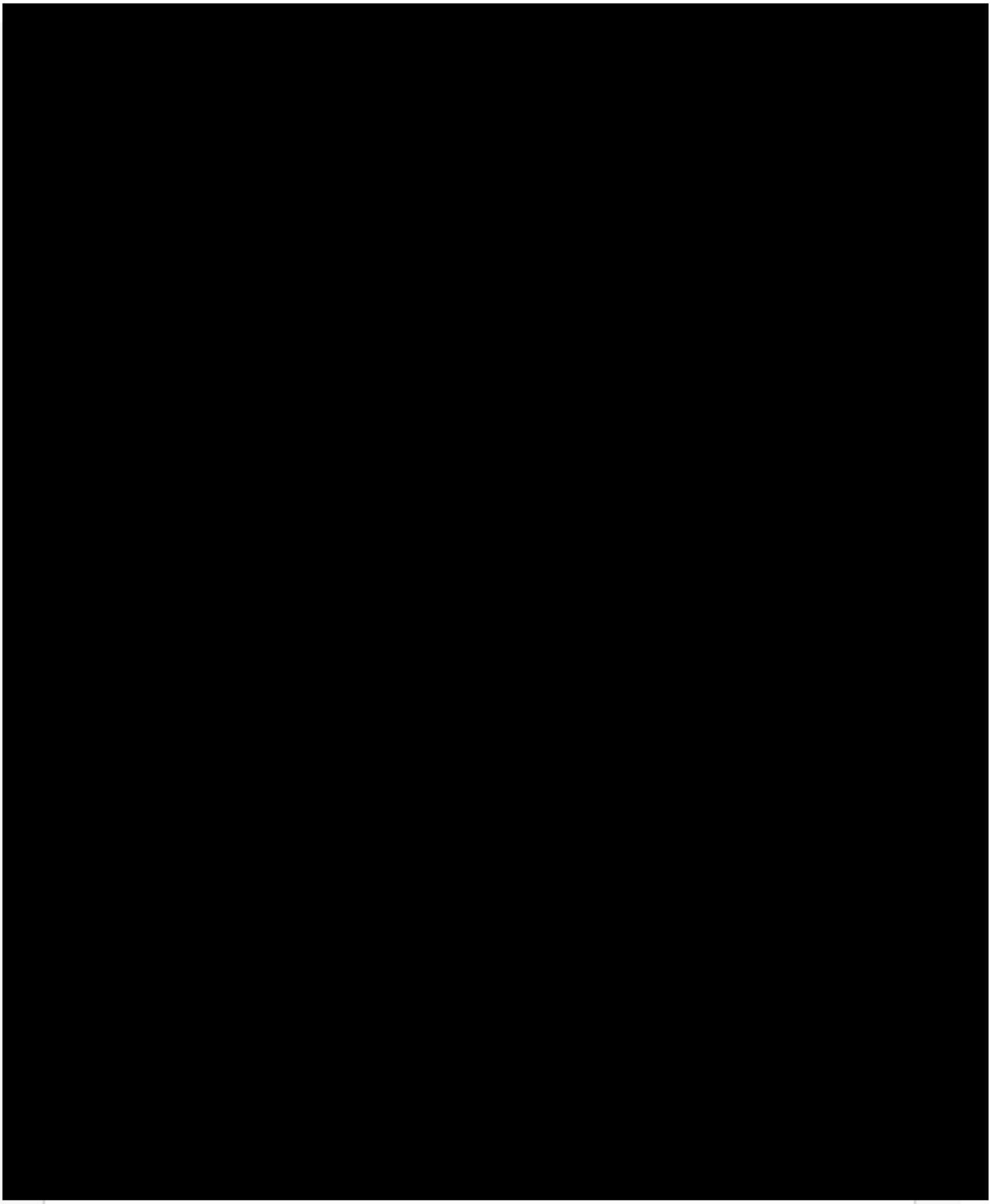

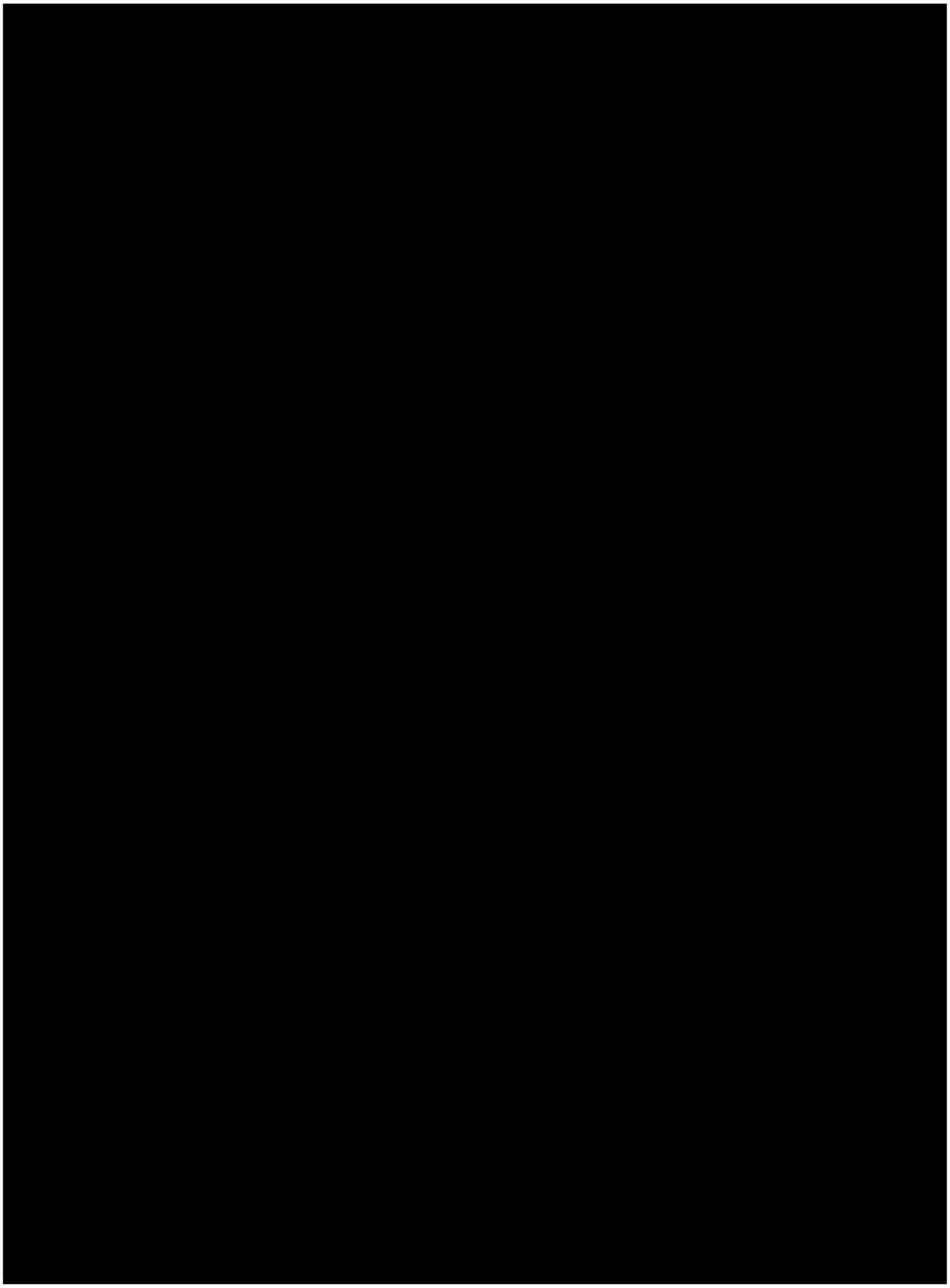

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[redacted]

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[redacted]




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Sent: Friday, July 29, 2022 1:48 PM
To: Melinda.Smith@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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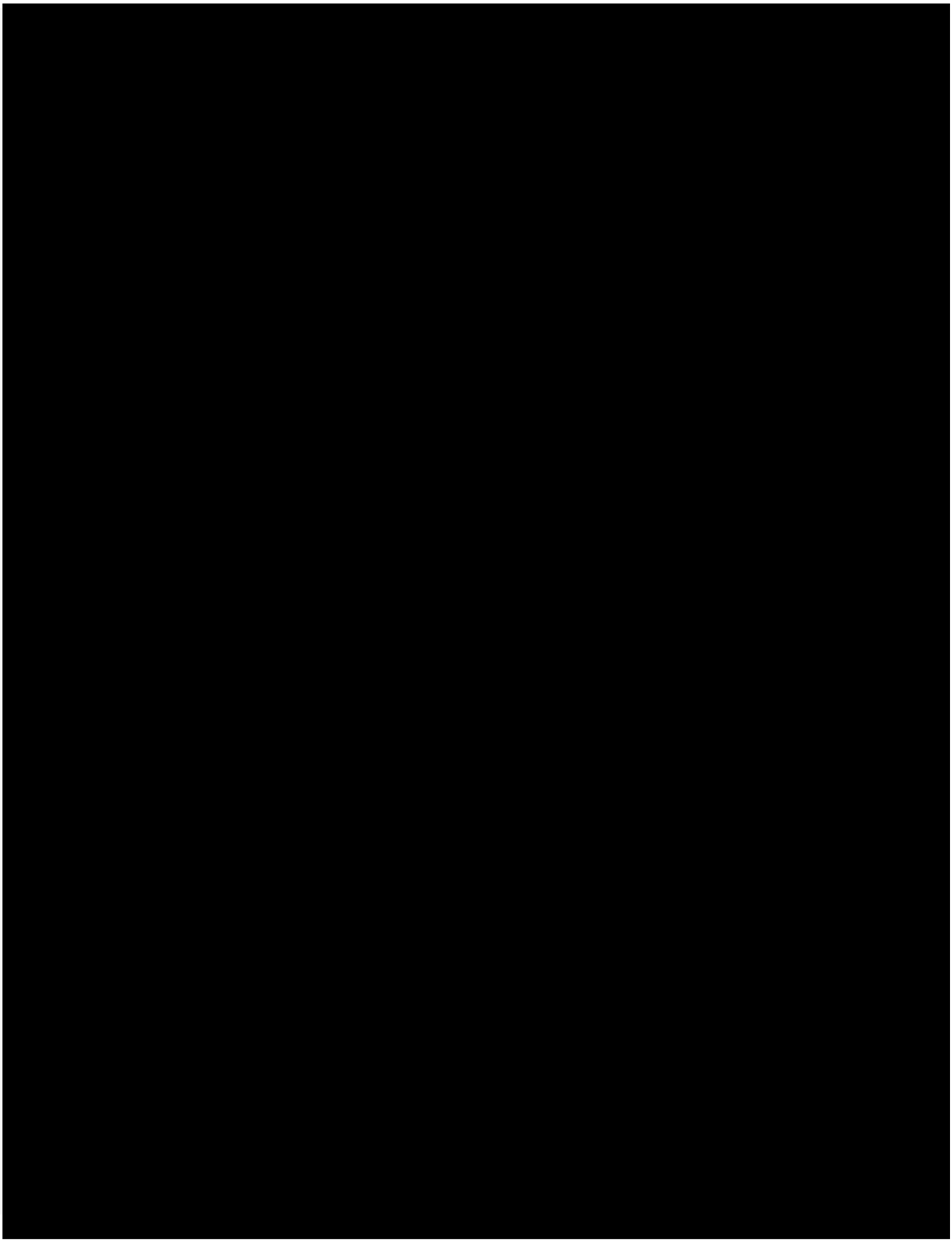
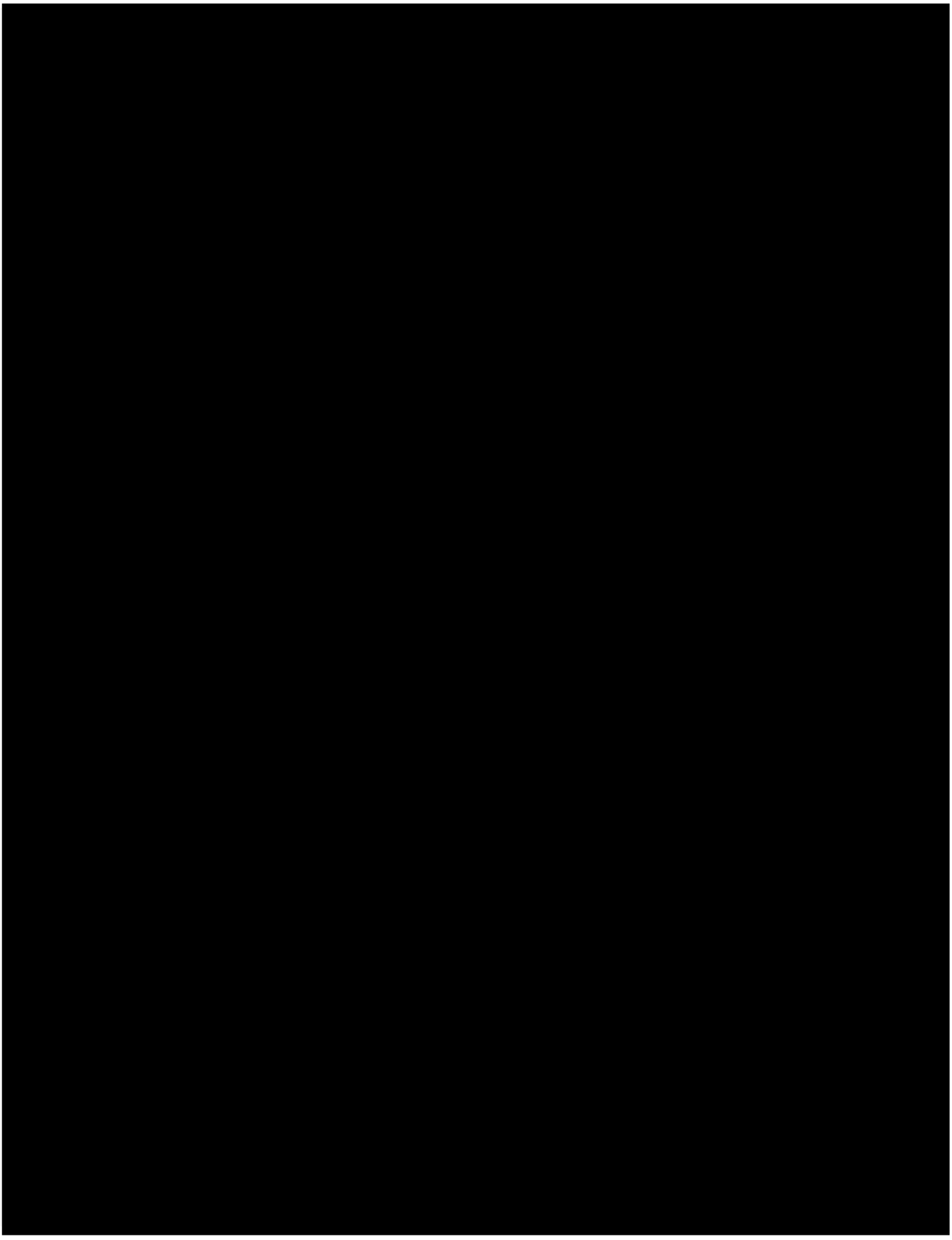
[redacted]







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Sent: Friday, July 29, 2022 1:48 PM
To: michele.dubbs@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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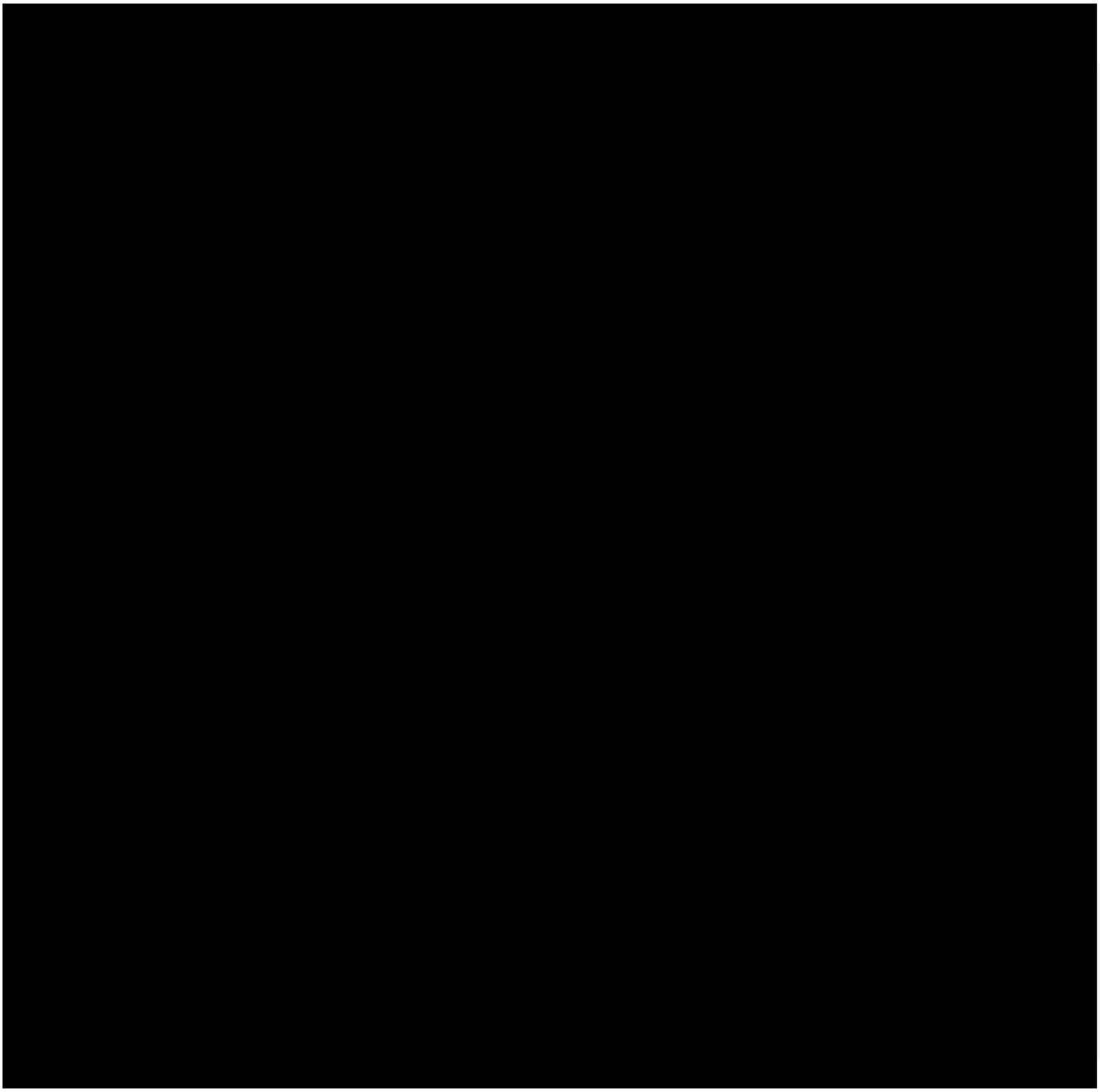

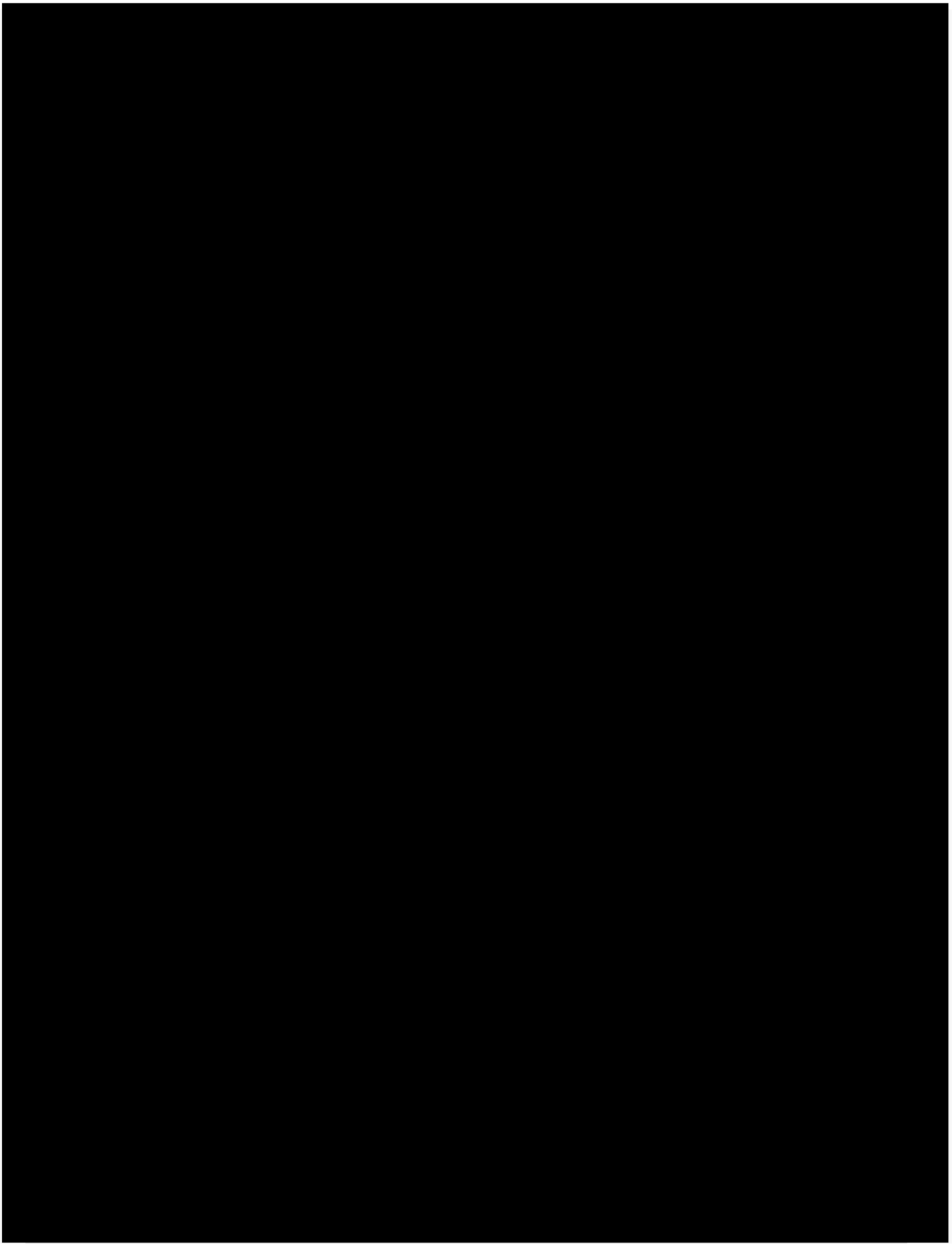

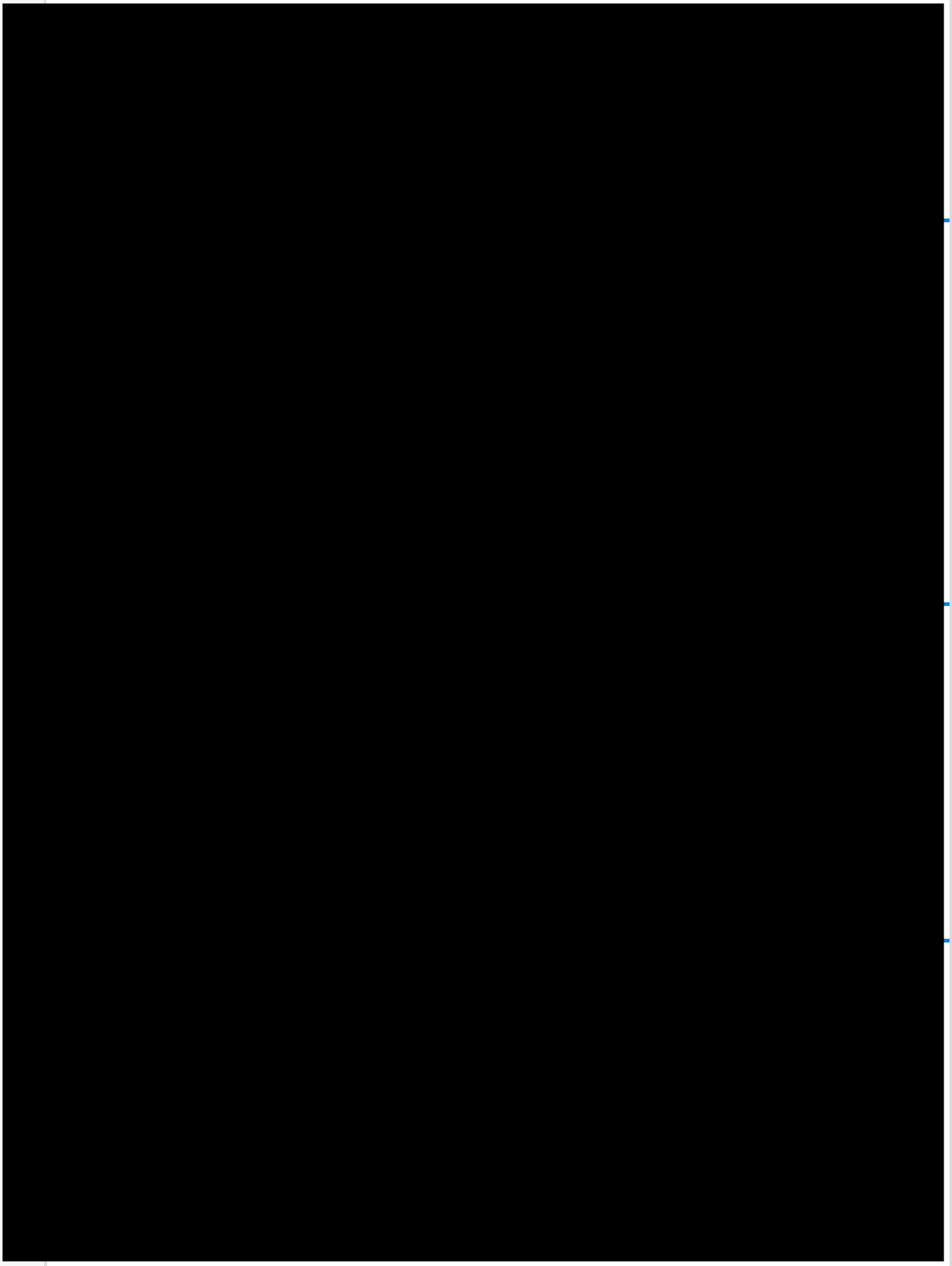



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From: postmaster@beaufort.k12.sc.us
Sent: Friday, July 29, 2022 1:48 PM
To: newsletters--EdTech@send.smartbrief.com
Subject: Undeliverable: School tech vetting problems persist
Attachments: School tech vetting problems persist

Your message to sandra.ferguson@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--EdTech	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	7/29/2022 5:48:03 PM
Sender Address:	newsletters--EdTech@send.smartbrief.com
Recipient Address:	sandra.ferguson@beaufort.k12.sc.us
Subject:	School tech vetting problems persist

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (sandra.ferguson@beaufort.k12.sc.us:blocked)*
DSN generated by:	DM6PR08MB4140.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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2	7/29/2022 5:48:08 PM	mail6.smartbrief.com	mx-inbound23-130.us-east-2b.ess.aws.cudaops.com	
3	7/29/2022 5:48:10 PM	outbound-ip91b.ess.barracuda.com	DM6NAM12FT016.mail.protection.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_R
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Original Message Headers

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<newsletters--EdTech@send.smartbrief.com>)
Date: Fri, 29 Jul 2022 12:48:03 -0500 (CDT)
From: "SmartBrief on EdTech" <edtech@smartbrief.com>
To: sandra.ferguson@beaufort.k12.sc.us
Message-ID: <bounce--hncbxom7pamxb7qo@send.smartbrief.com>
Subject: School tech vetting problems persist
MIME-Version: 1.0

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KILL_LEVEL=5.0 tests=HTML_MESSAGE
Received-SPF: pass (mx-inbound23-130.us-east-2b.ess.aws.cudaops.com: domain of
newsletters--EdTech@send.smartbrief.com designates 72.32.59.31 as permitted sender)
X-BESS-Spam-Score: 0.00
X-BESS-DMARC: no-action HeaderFrom:smartbrief.com Record:"v=DMARC1; p=reject; sp=none;
fo=1; rua=mailto:dmarc_rua@emaildefense.proofpoint.com;
ruf=mailto:dmarc_ruf@emaildefense.proofpoint.com" SPF:Pass(r) DKIM:smartbrief.com(s)
PCT(no-pct)
X-BESS-Spam-Report: Code version 3.2, rules version 3.2.2.241697 [from cloudscan21-
        251.us-east-2b.ess.aws.cudaops.com]
        Rule breakdown below
         pts rule name              description
        ---- ---------------------- --------------------------------
        0.00 HTML_MESSAGE           BODY: HTML included in message
X-BESS-BRTS-Status: 1
Return-Path: newsletters--EdTech@send.smartbrief.com
X-EOPAttributedMessage: 0
X-EOPTenantAttributedMessage: f761cbb8-ecba-4bf4-bc26-b88f3b29fc30:0
X-MS-PublicTrafficType: Email
X-MS-Office365-Filtering-Correlation-Id: 8fa5a757-0035-4b30-1ee0-08da718a80d6
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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:48 PM
To: sandra.ferguson@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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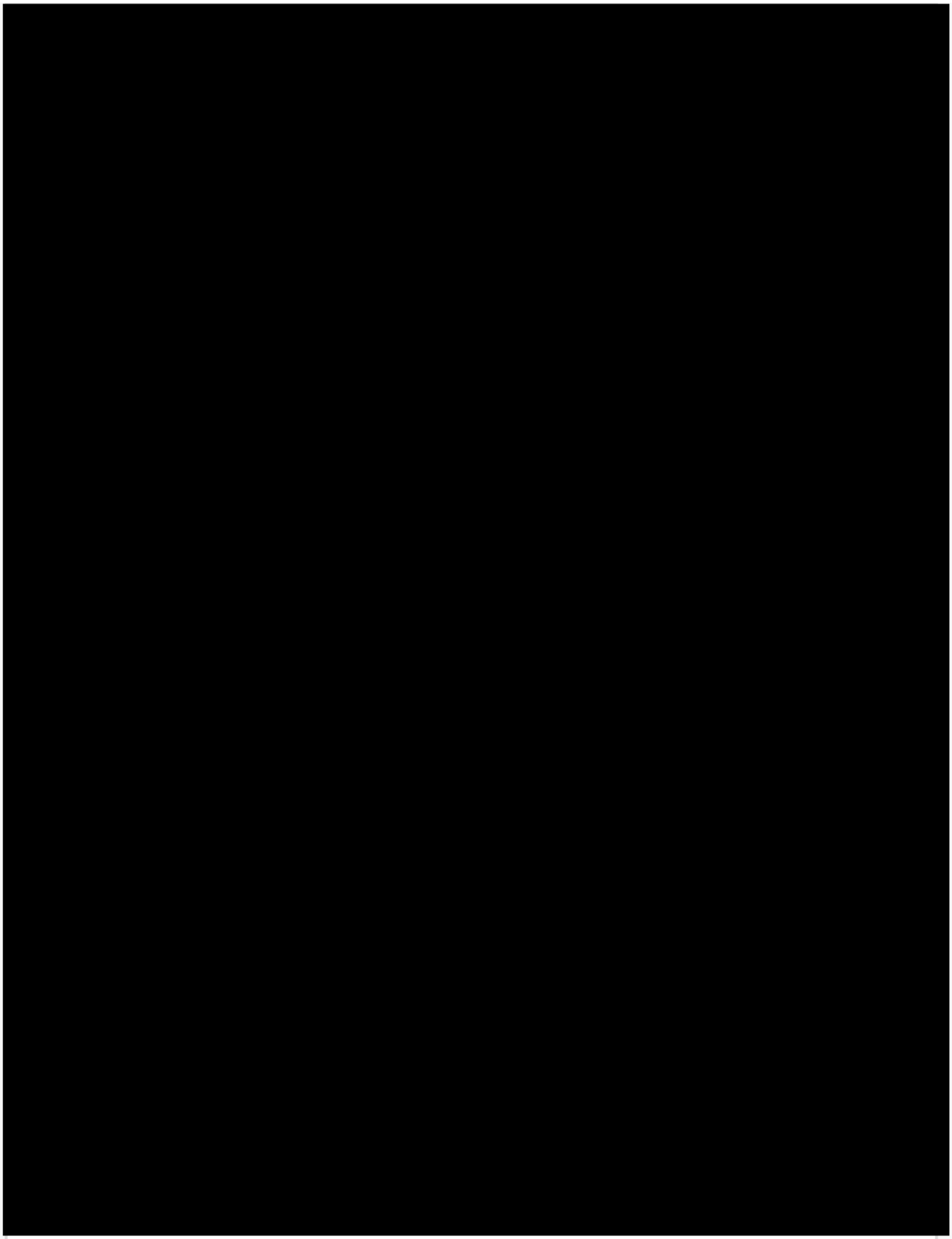

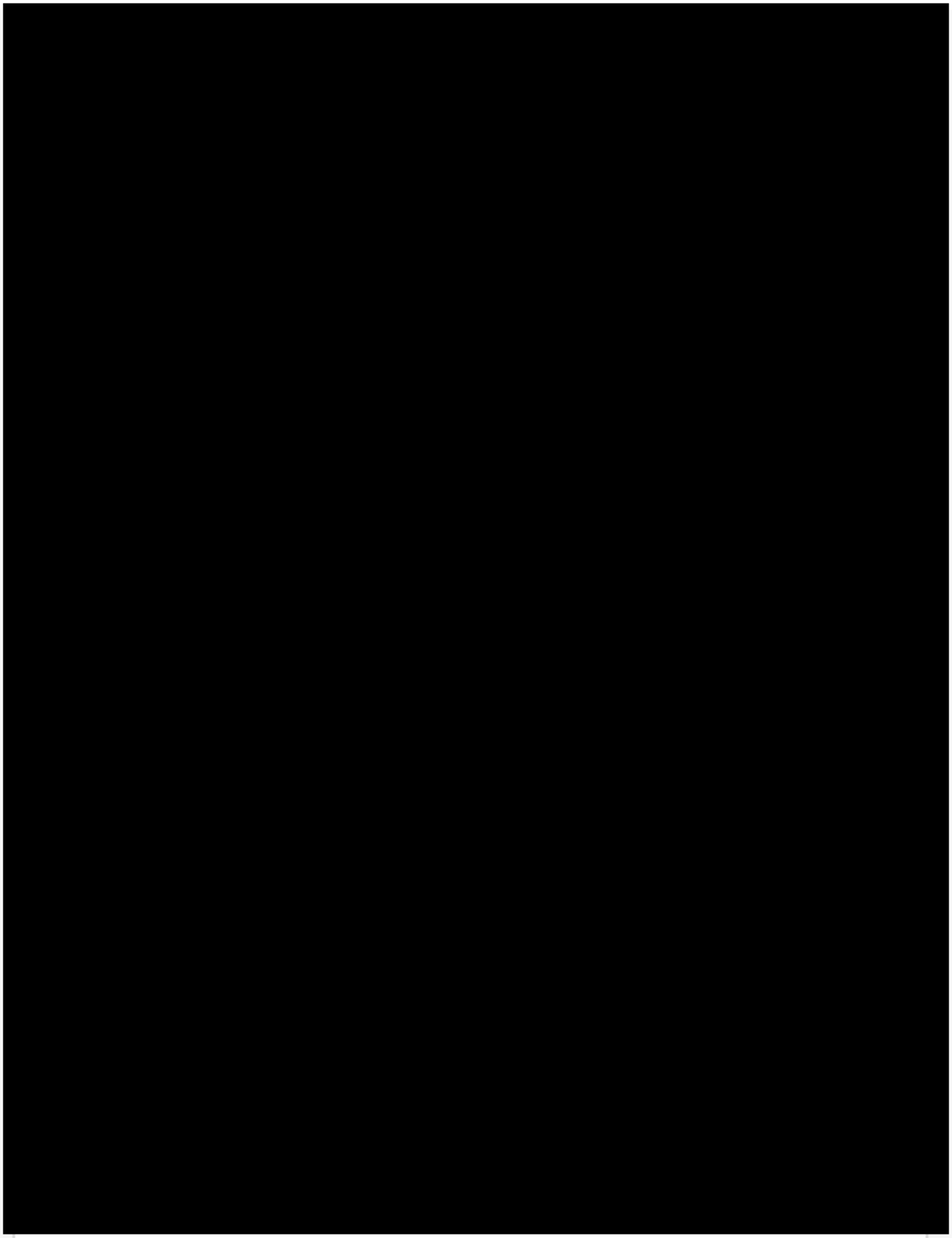

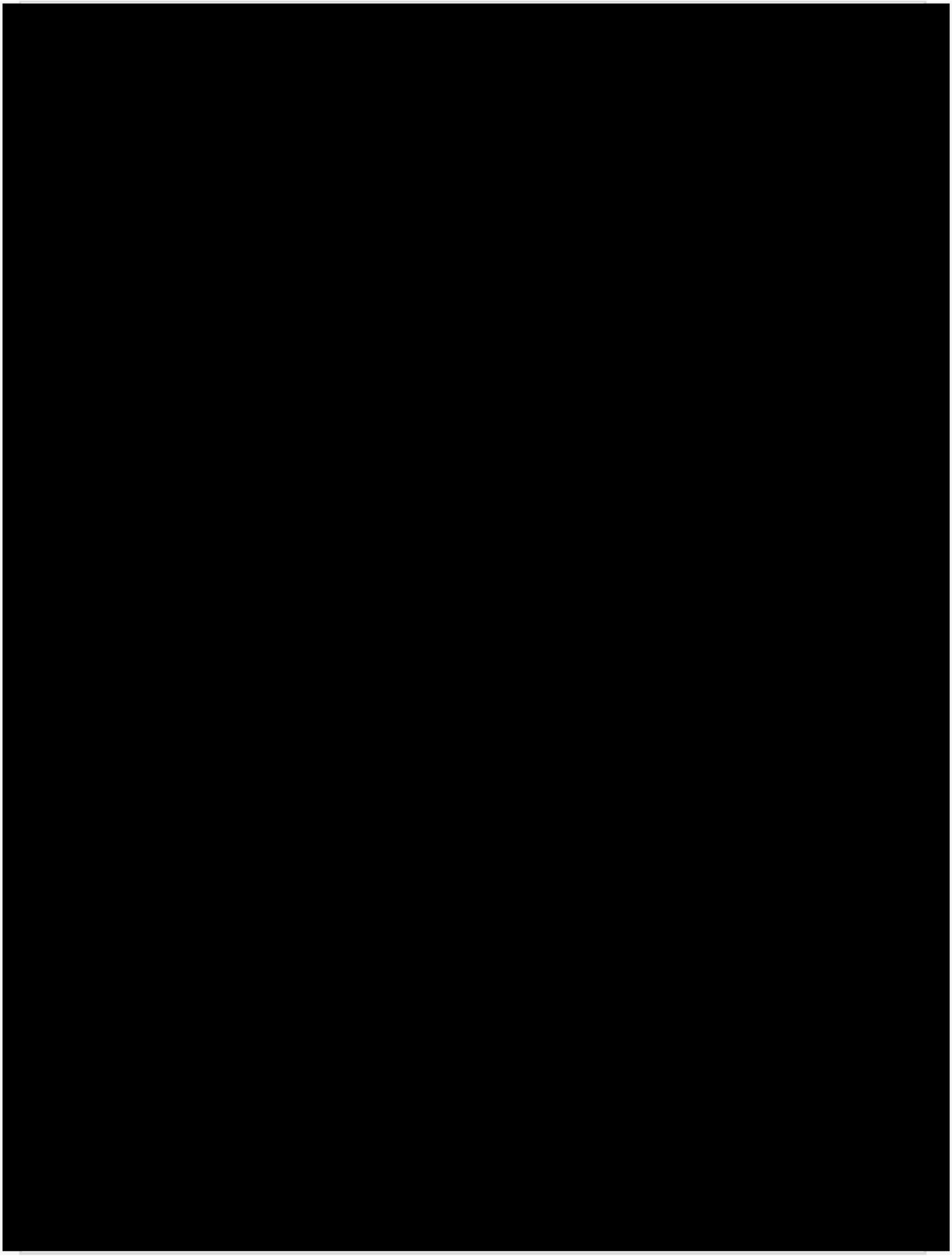



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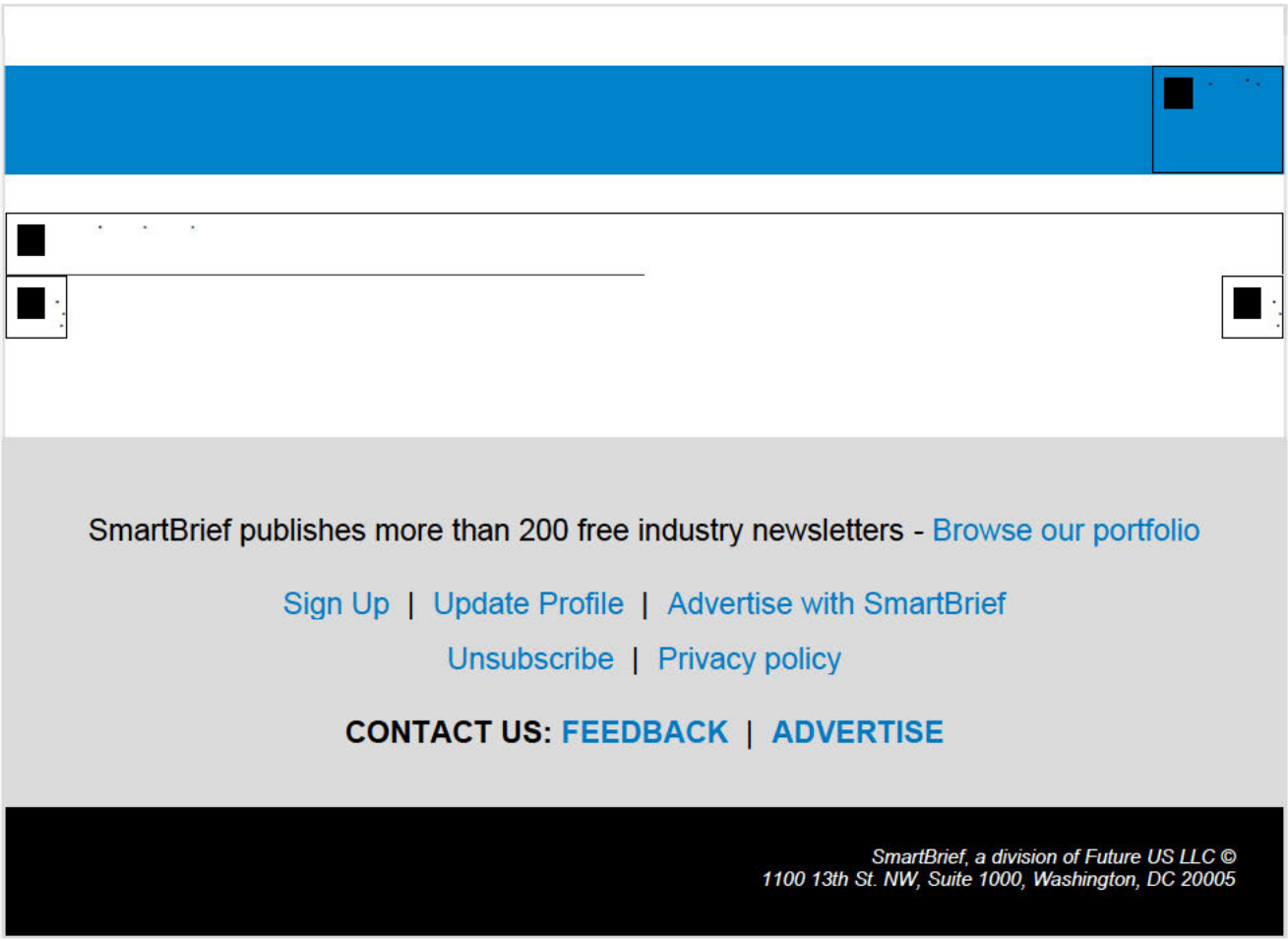

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:48 PM
To: tina.purvis@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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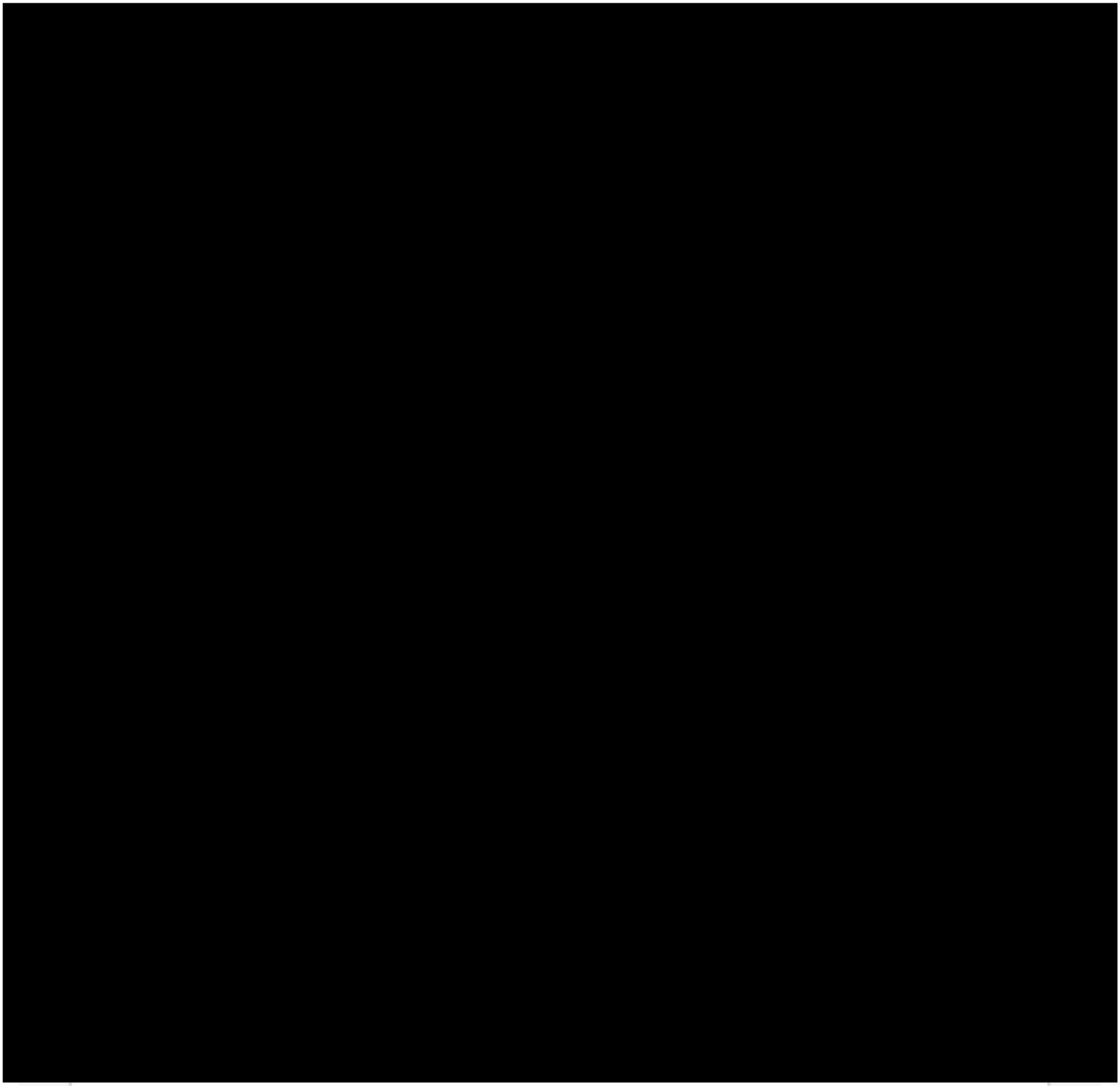

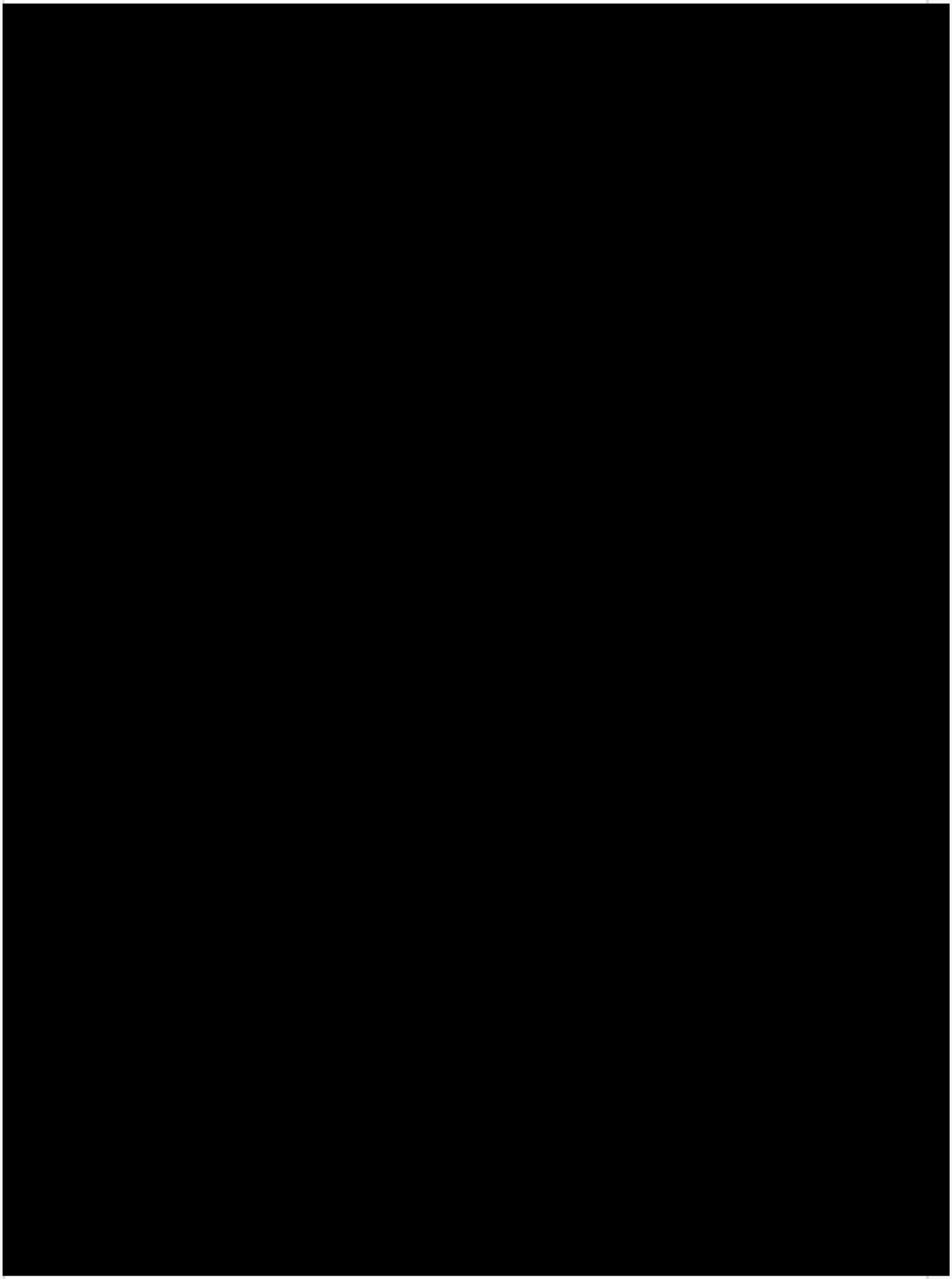

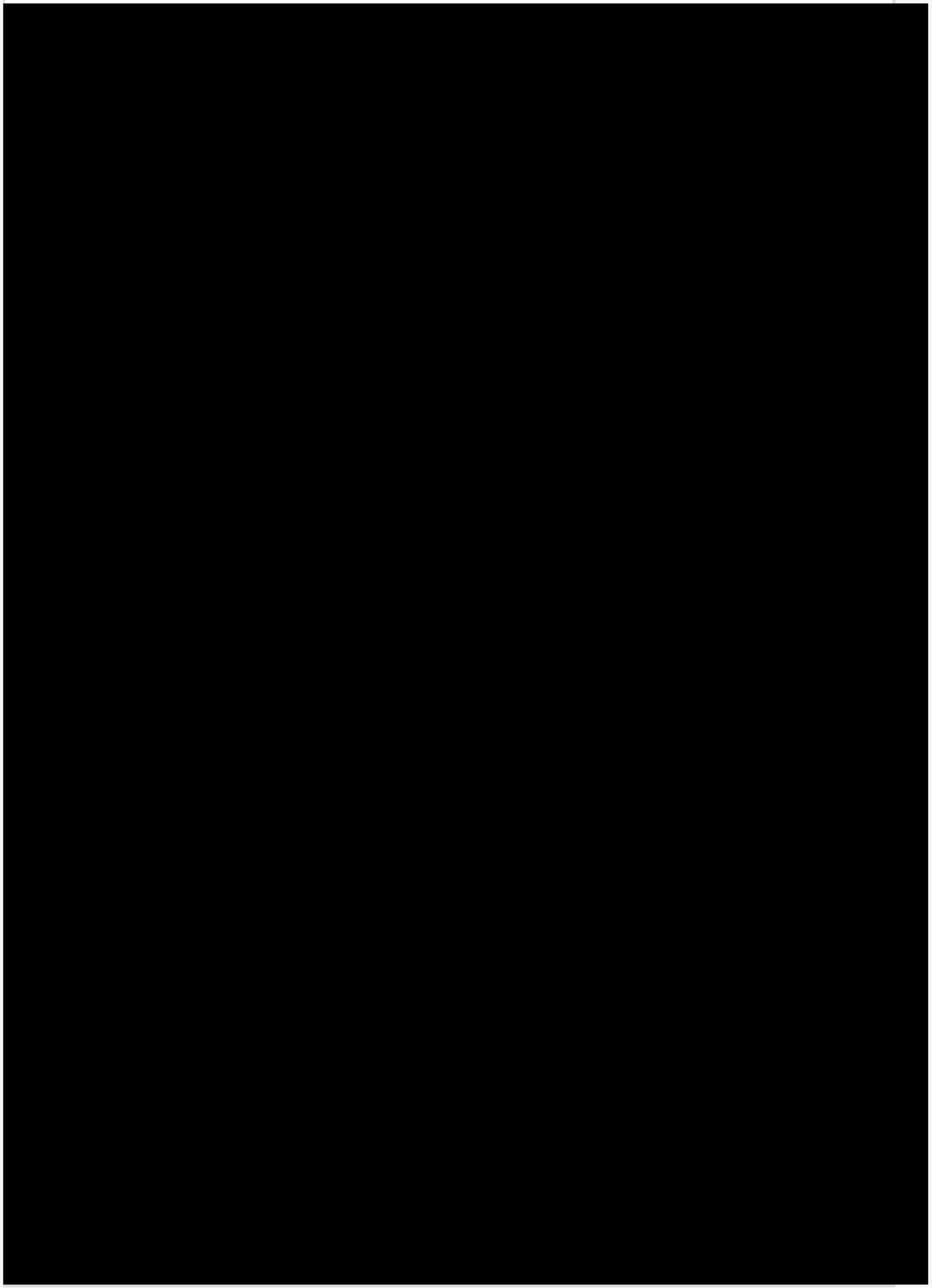

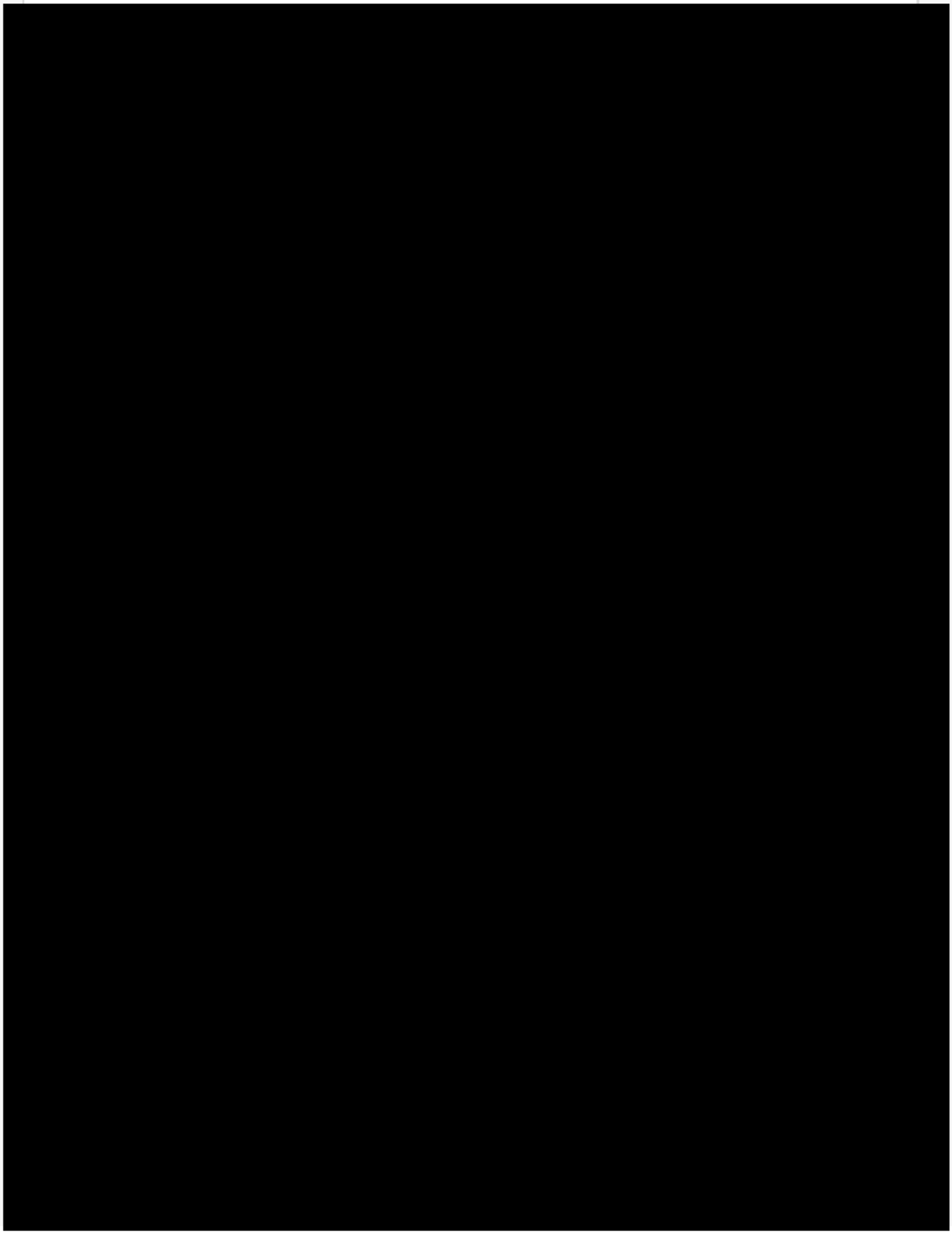

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:48 PM
To: lakinsha.swinton@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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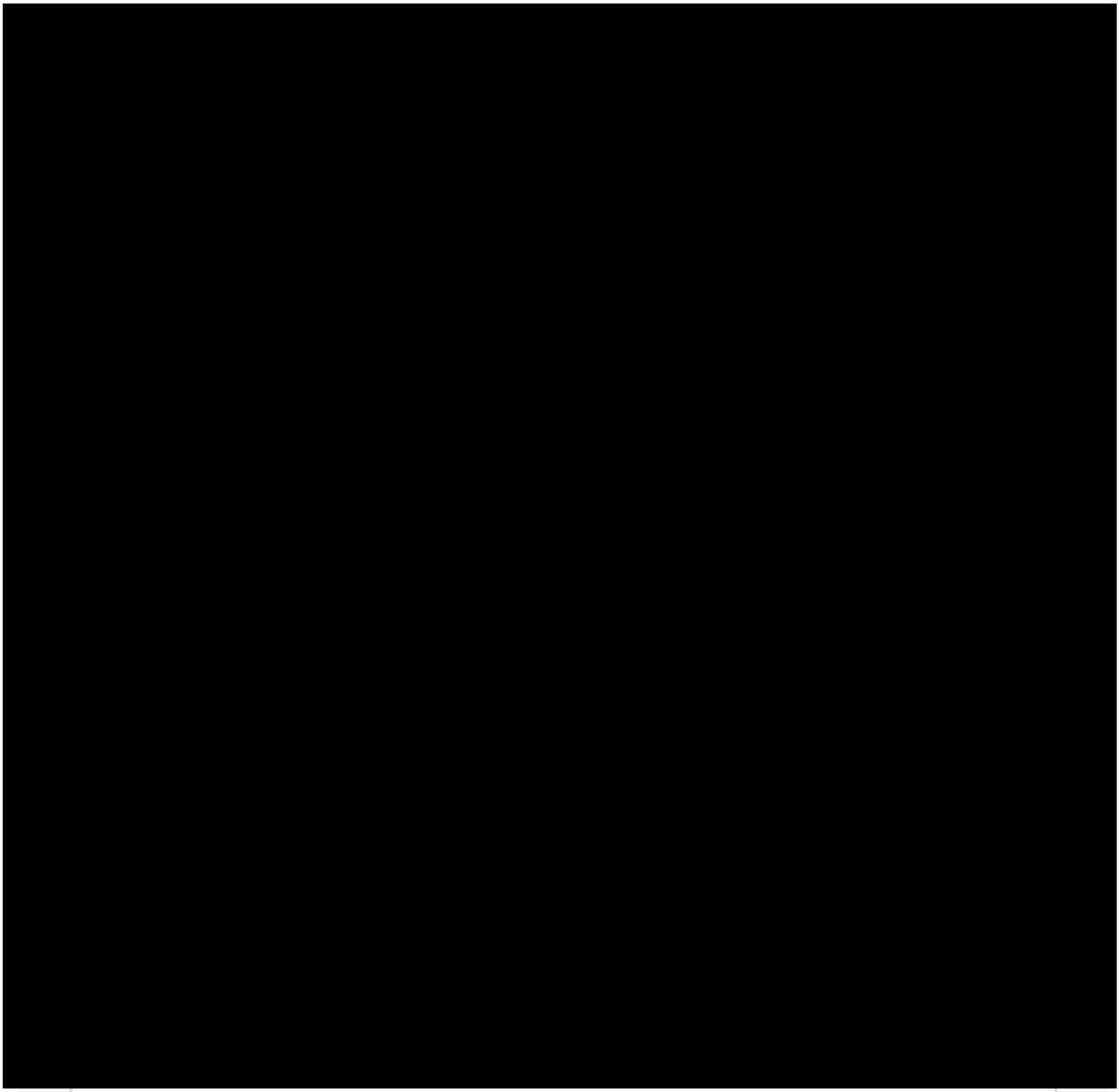

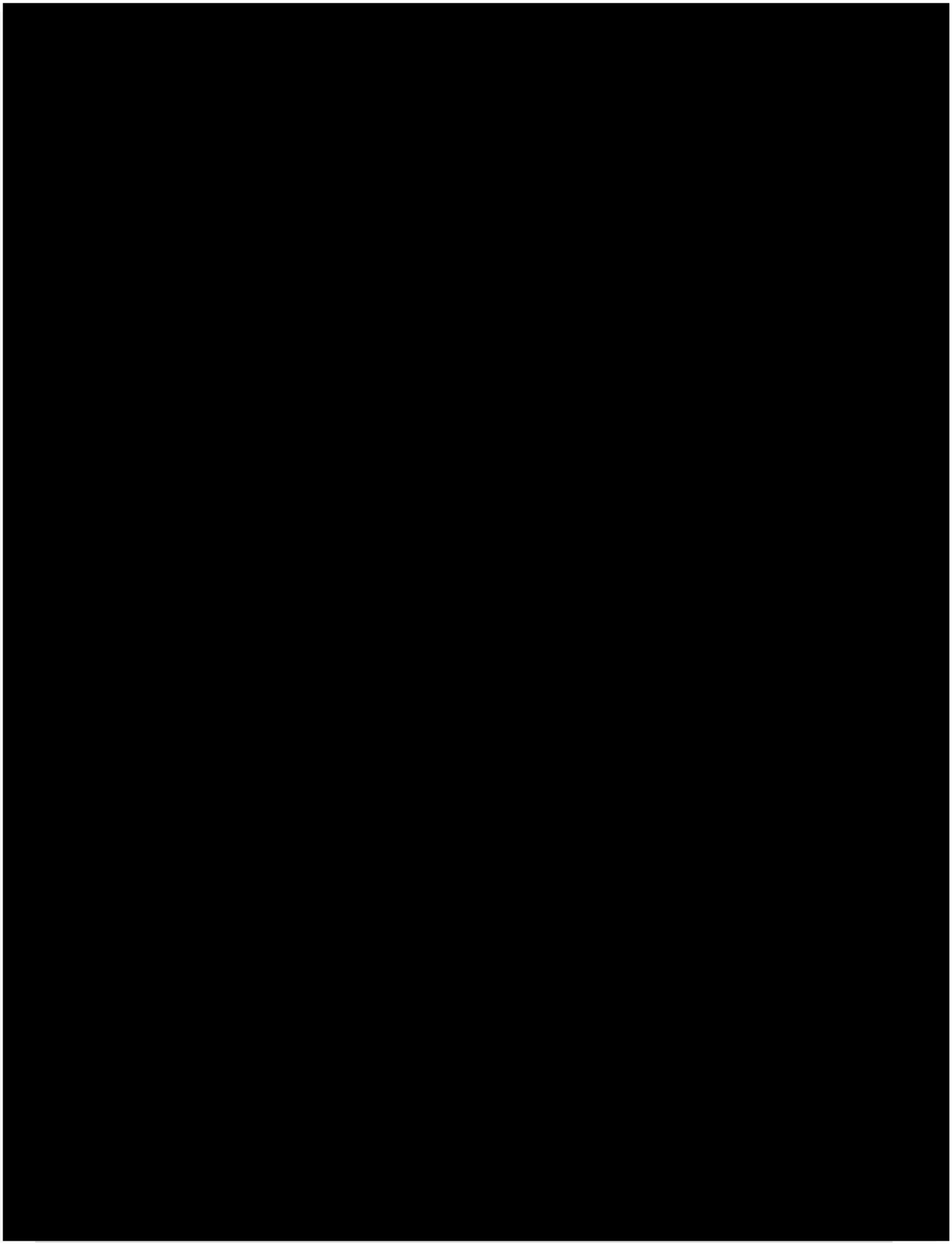

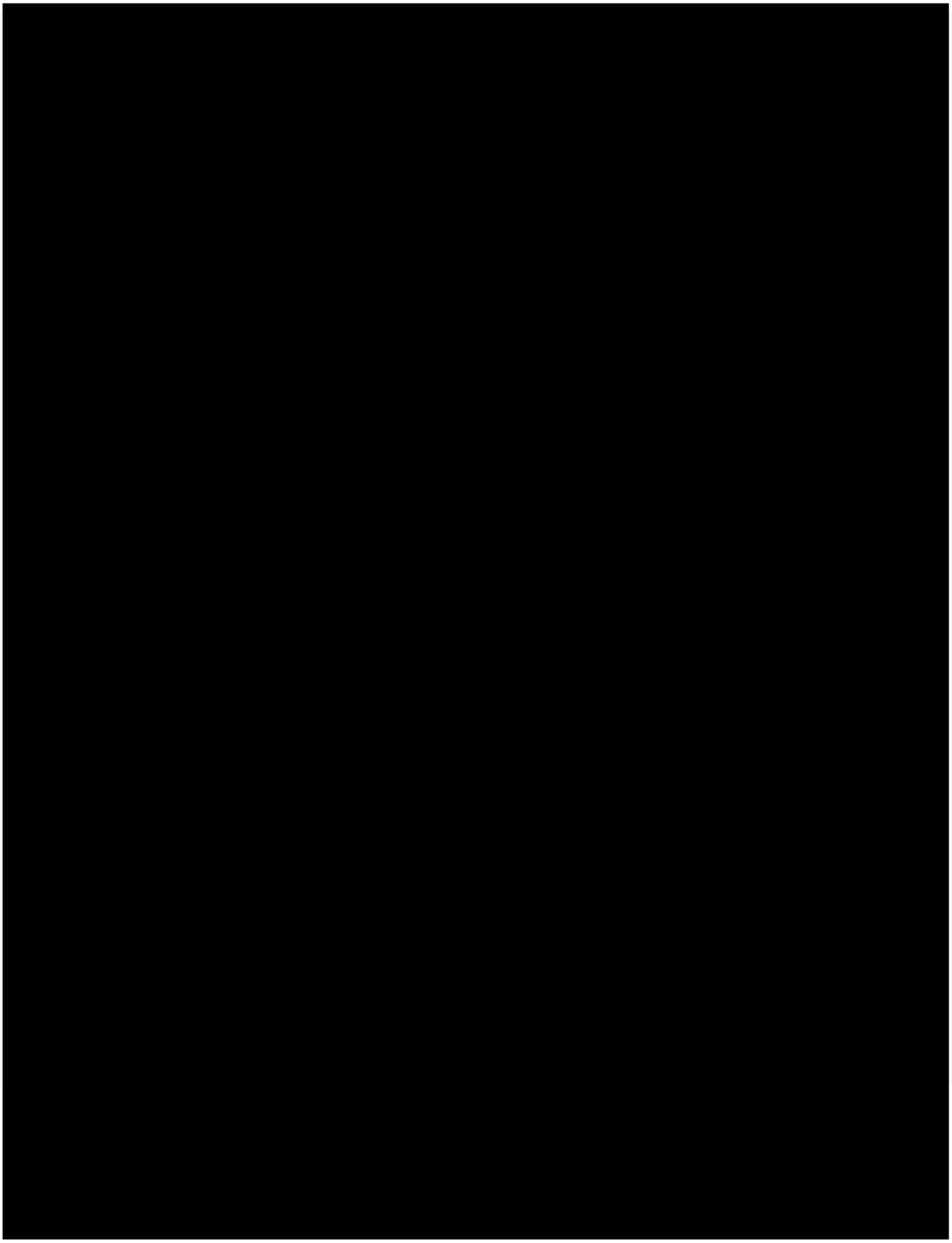

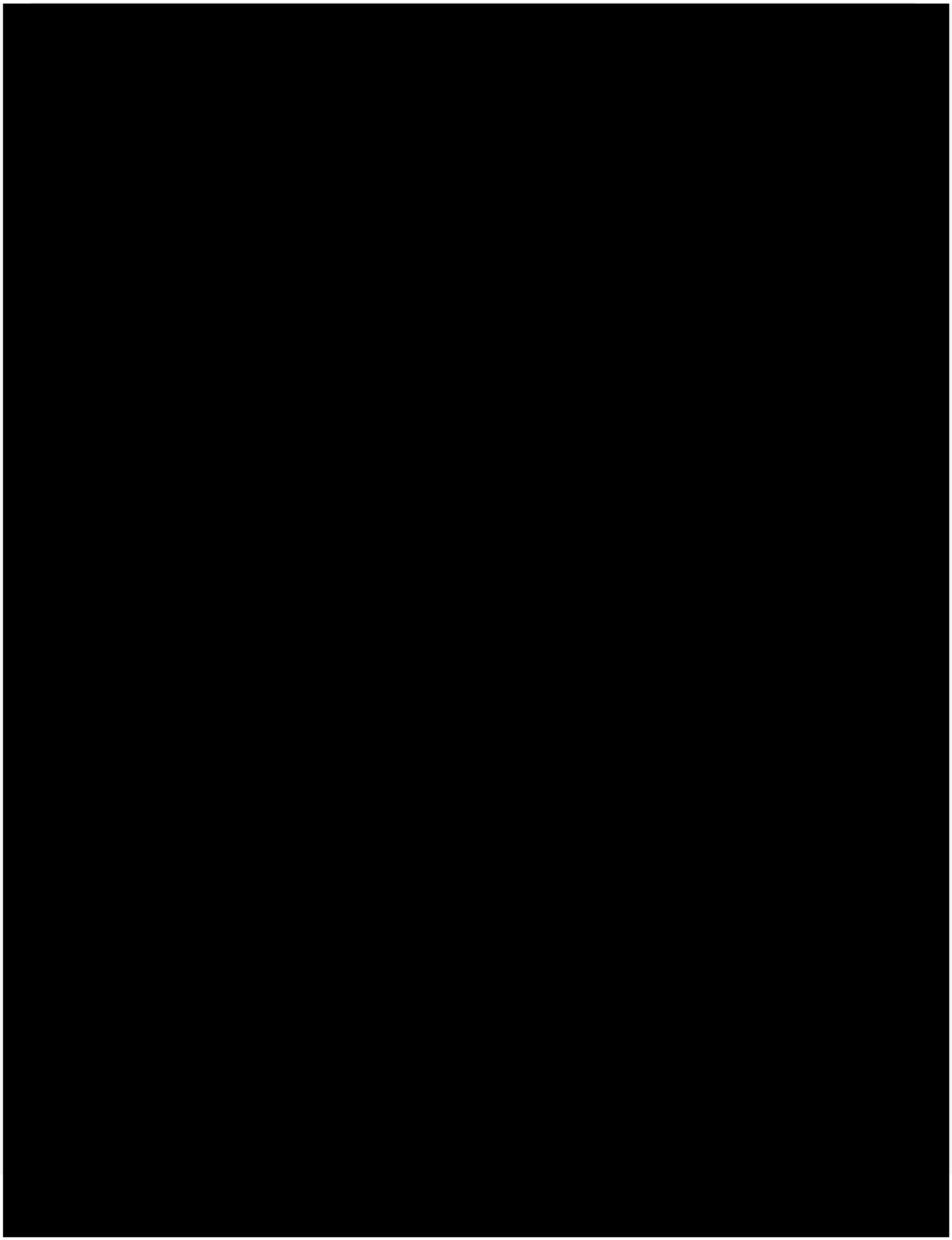

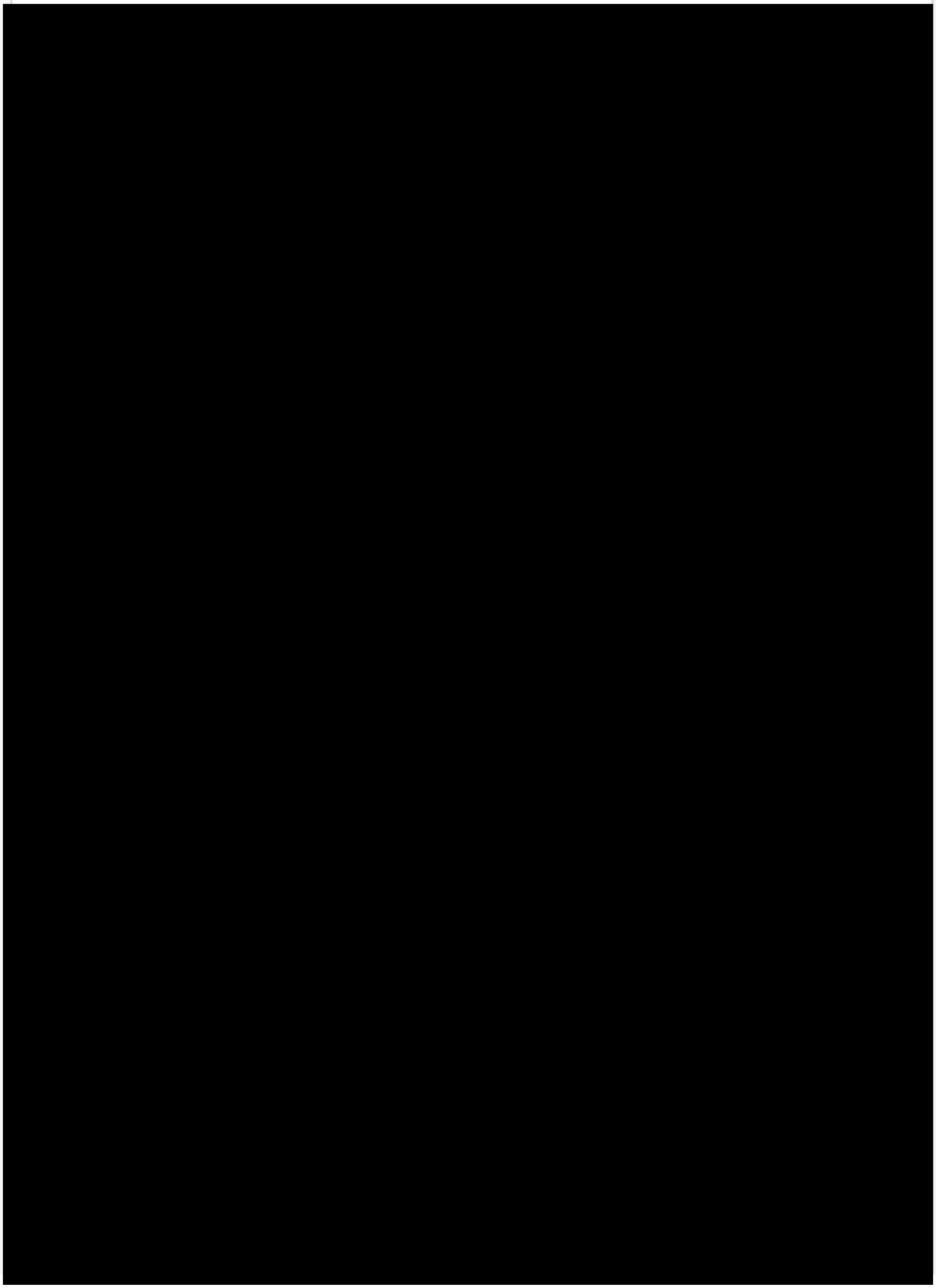

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From: postmaster@beaufort.k12.sc.us
Sent: Friday, July 29, 2022 1:39 PM
To: newsletters--SpecialEd@send.smartbrief.com
Subject: Undeliverable: Building skills is part of riding program
Attachments: Building skills is part of riding program

Your message to janet.miscavage@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--Special. . .	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	7/29/2022 5:38:33 PM
Sender Address:	newsletters--SpecialEd@send.smartbrief.com
Recipient Address:	janet.miscavage@beaufort.k12.sc.us
Subject:	Building skills is part of riding program

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (janet.miscavage@beaufort.k12.sc.us:blocked)*
DSN generated by:	SJ0PR08MB7835.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
1	7/29/2022 5:38:34 PM		mail2.smartbrief.com	
2	7/29/2022 5:38:34 PM	mail33.smartbrief.com	mx-inbound14-240.us-east-2a.ess.aws.cudaops.com	
3	7/29/2022 5:38:37 PM	outbound-ip107a.ess.barracuda.com	DM6NAM12FT060.mail.protection.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_R
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5	7/29/2022 5:38:37 PM	DM6PR10CA0006.namprd10.prod.outlook.com	SJ0PR08MB7835.namprd08.prod.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_R

Original Message Headers


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Received: by mail2.smartbrief.com id hsgdhk2ug04t for
<janet.miscavage@beaufort.k12.sc.us>; Fri, 29 Jul 2022 12:38:34 -0500 (envelope-from
<newsletters--SpecialEd@send.smartbrief.com>)
Date: Fri, 29 Jul 2022 12:38:33 -0500 (CDT)
From: "SmartBrief on Special Education" <specialed@smartbrief.com>
To: janet.miscavage@beaufort.k12.sc.us
Message-ID: <bounce--hncaxpafcddllgqj@send.smartbrief.com>
Subject: Building skills is part of riding program

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PCT(no-pct)
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        Rule breakdown below
         pts rule name              description
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        0.01 BSF_SC7_SG0146_1       META: Custom rule SG0146_1
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Return-Path: newsletters--SpecialEd@send.smartbrief.com
X-EOPAttributedMessage: 0
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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:39 PM
To: janet.miscavage@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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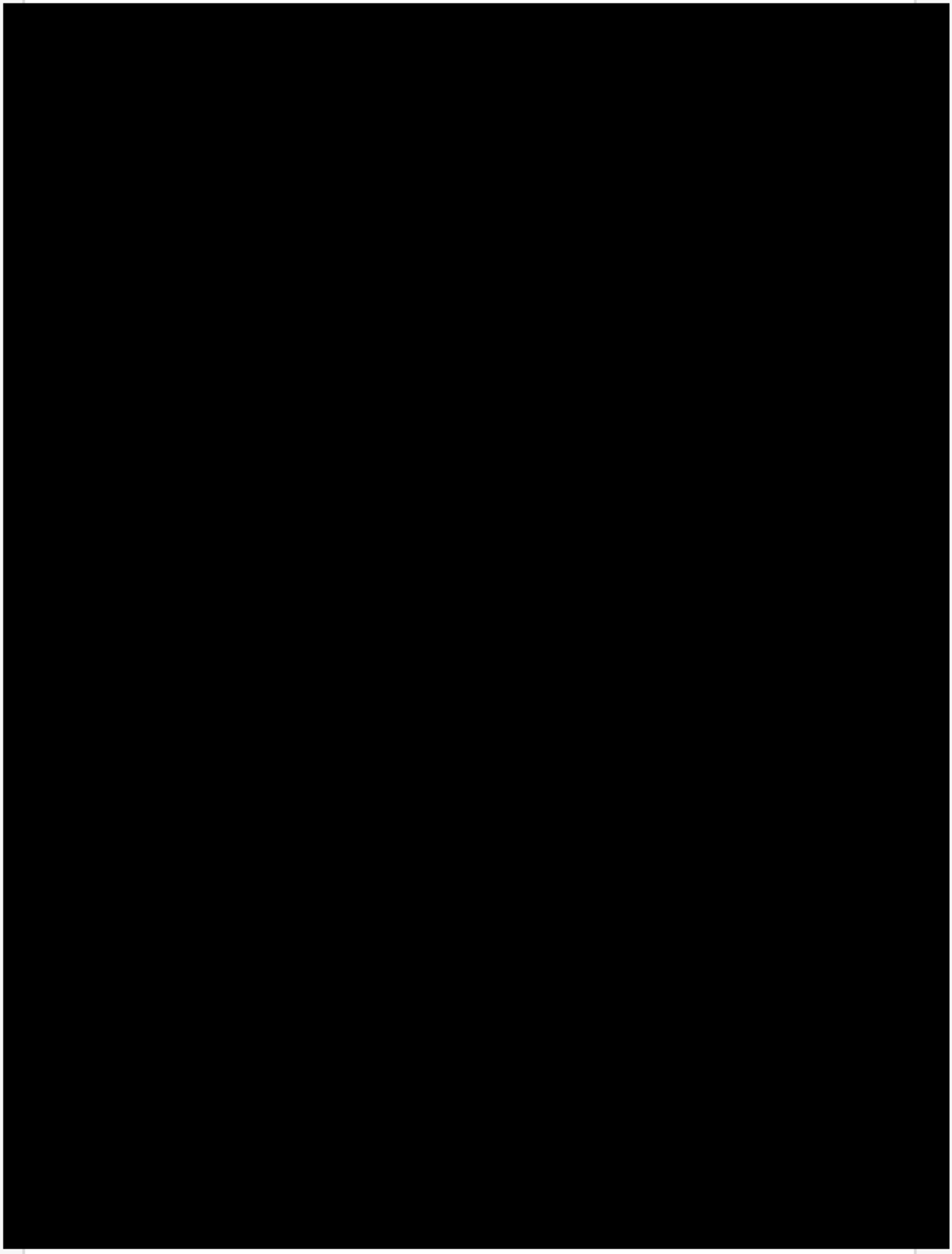

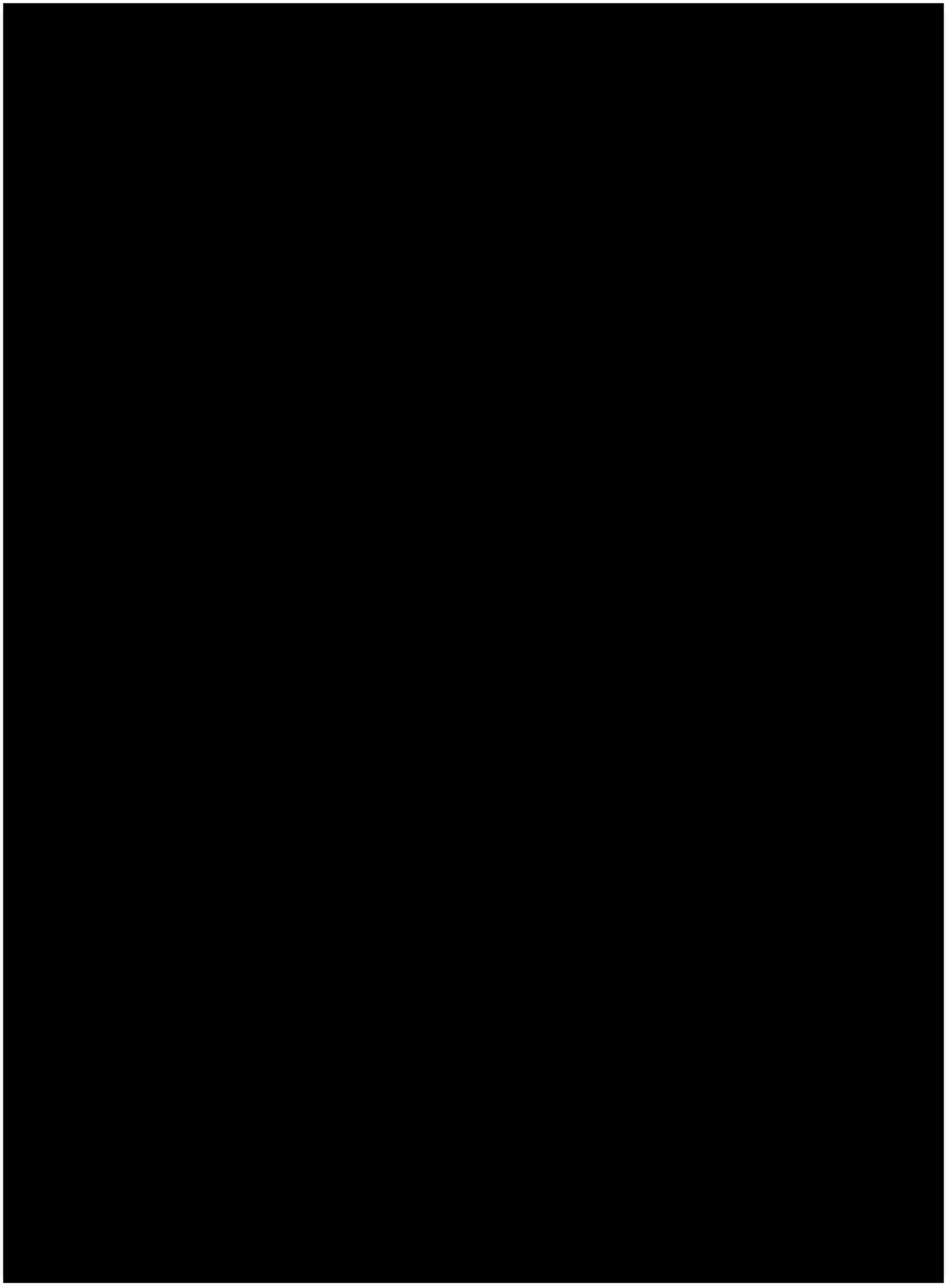



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Will a Florida district's Gender Support Plan be a pass or a fail? Can brand-name sneakers keep kids in school? Will a US teacher have to serve 14 years in a Russian jail? Read about these and other issues in the latest Education Extra Credit.

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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: eula.kirkpatrick@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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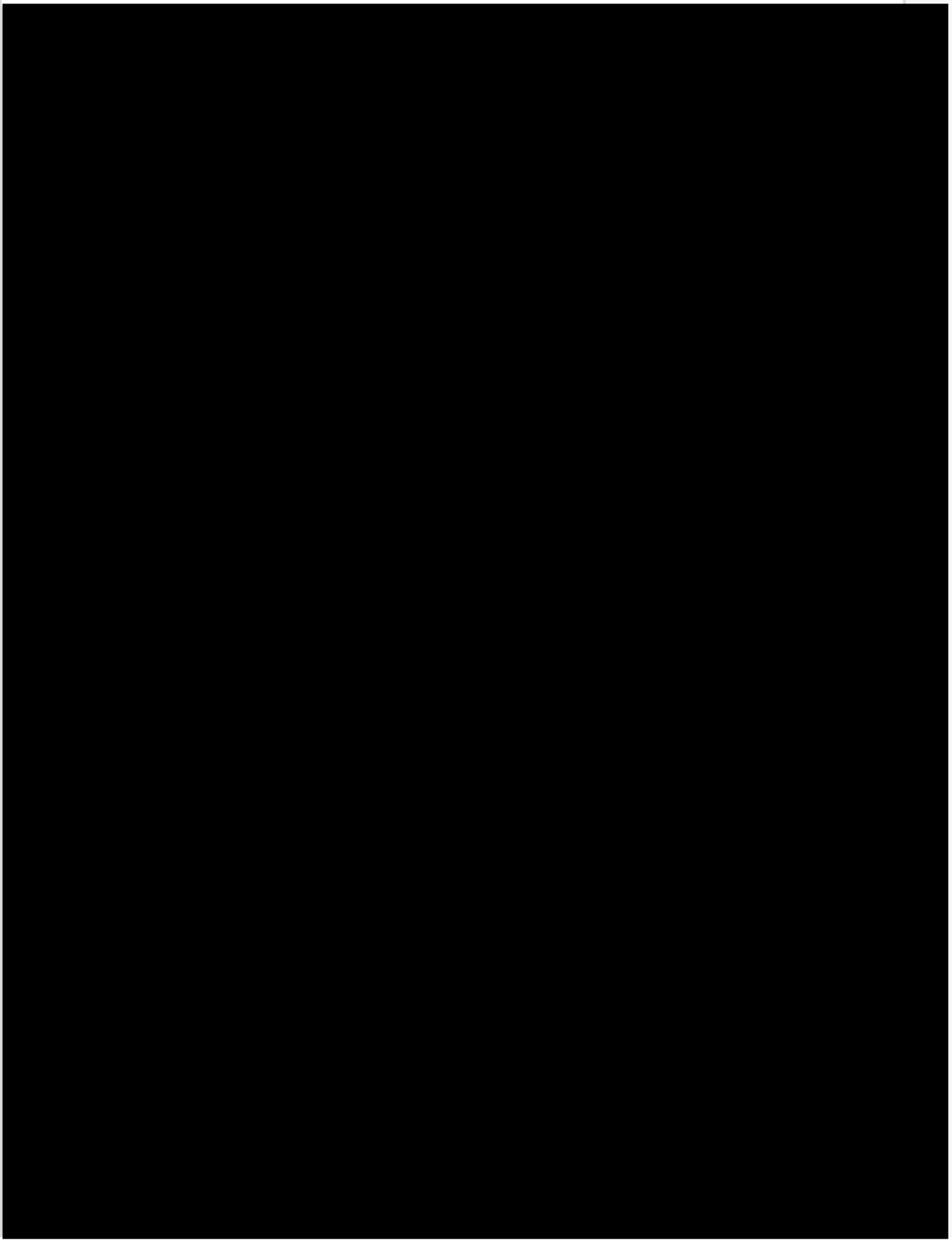

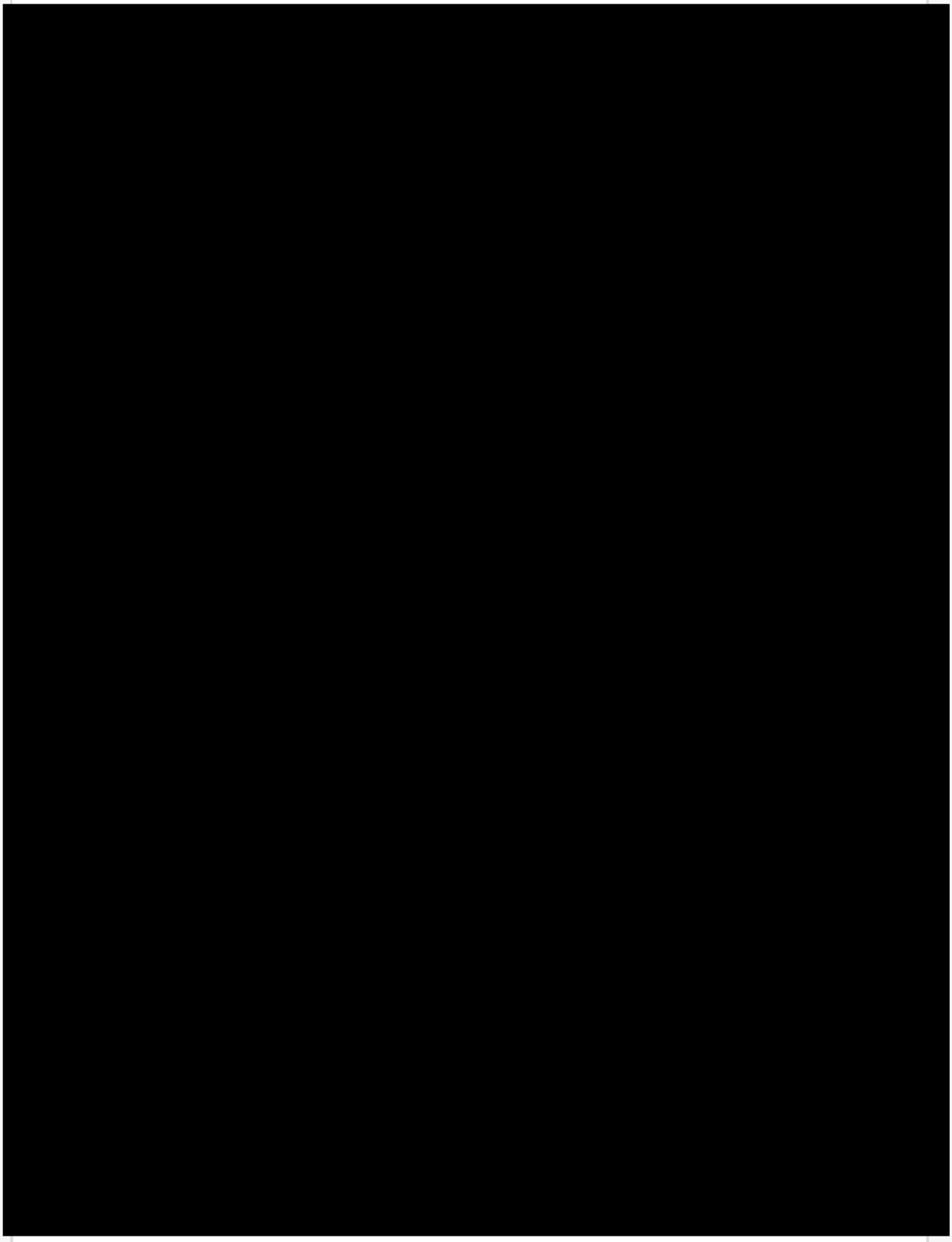



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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: yolanda.goethe@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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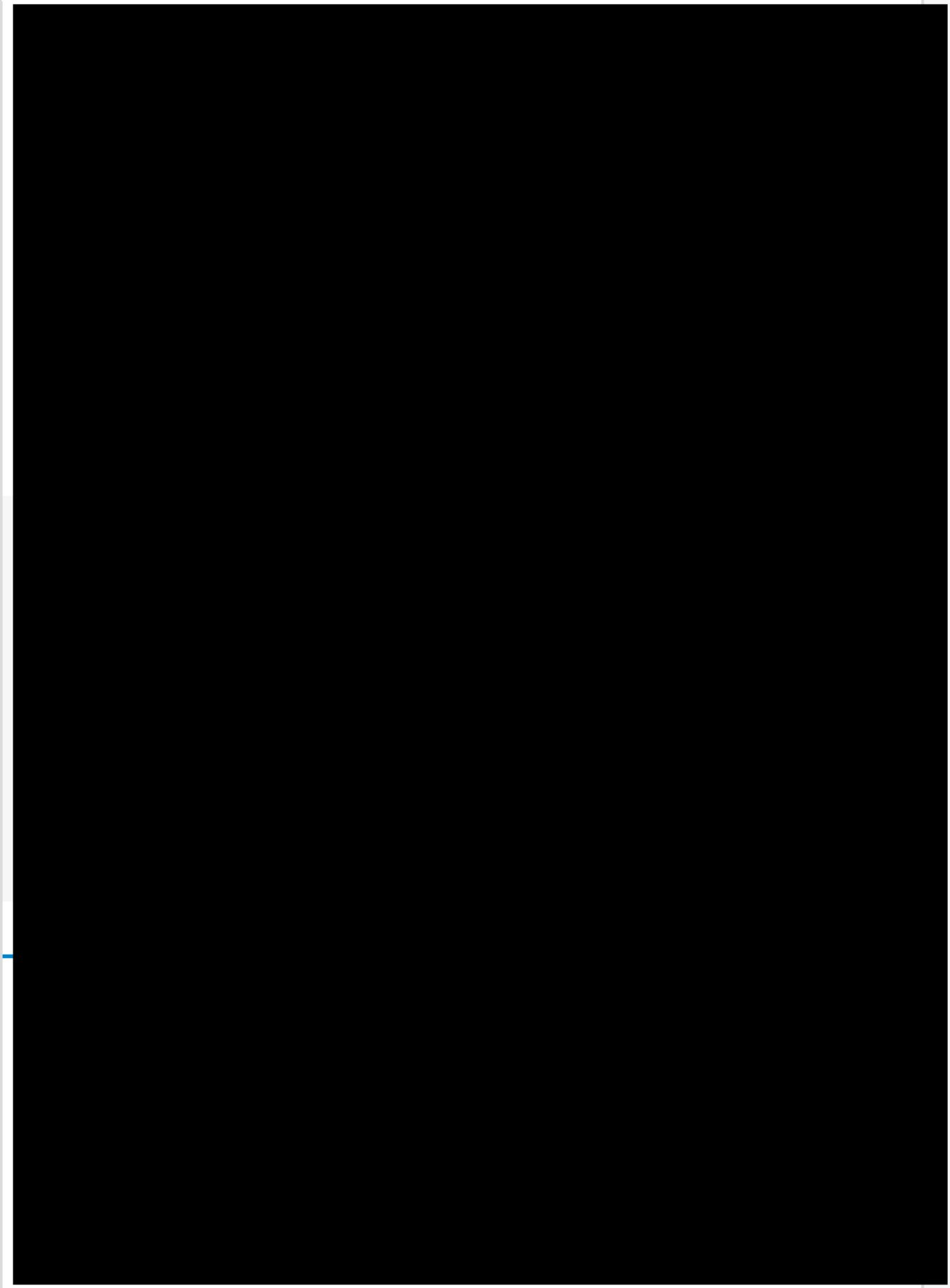

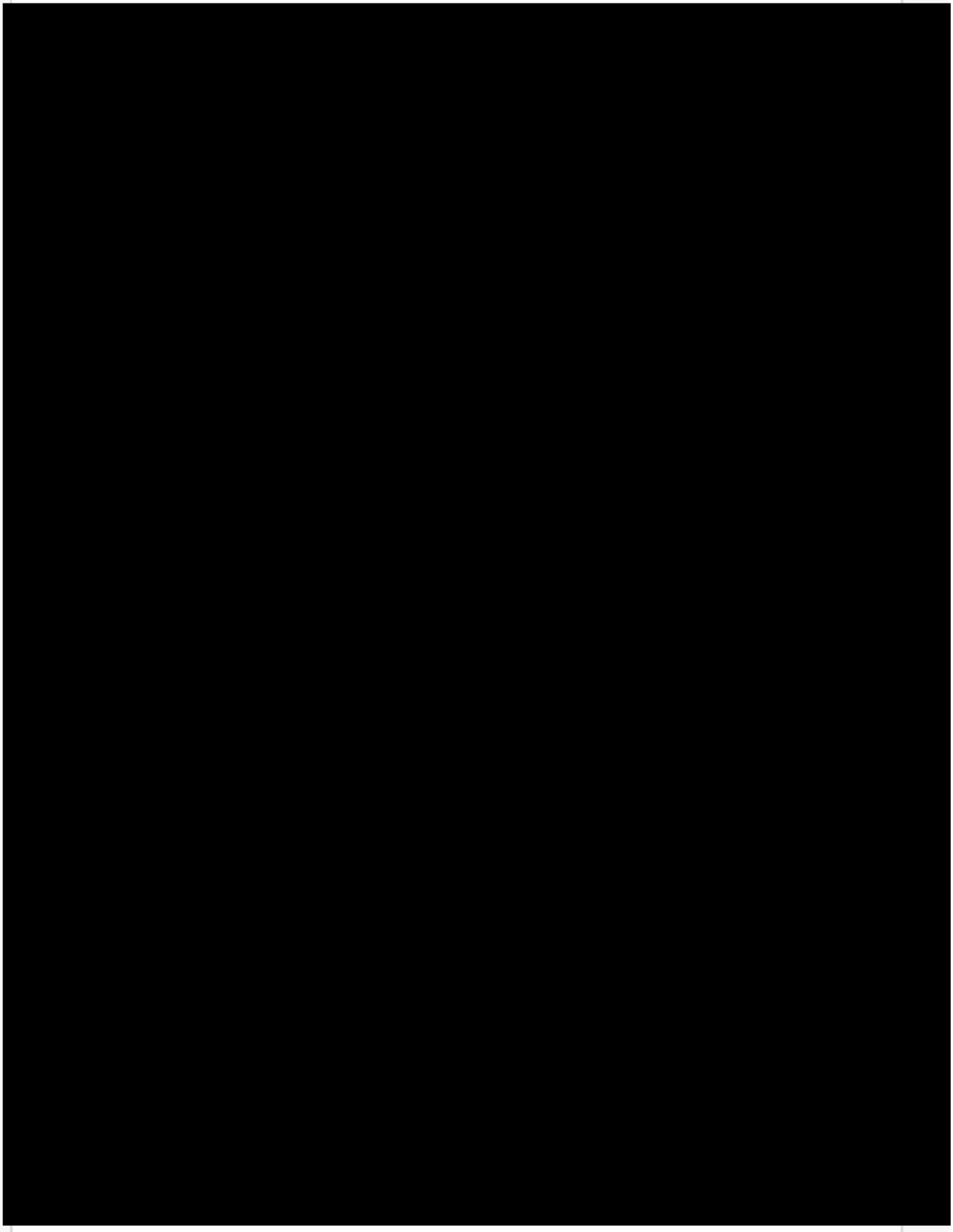

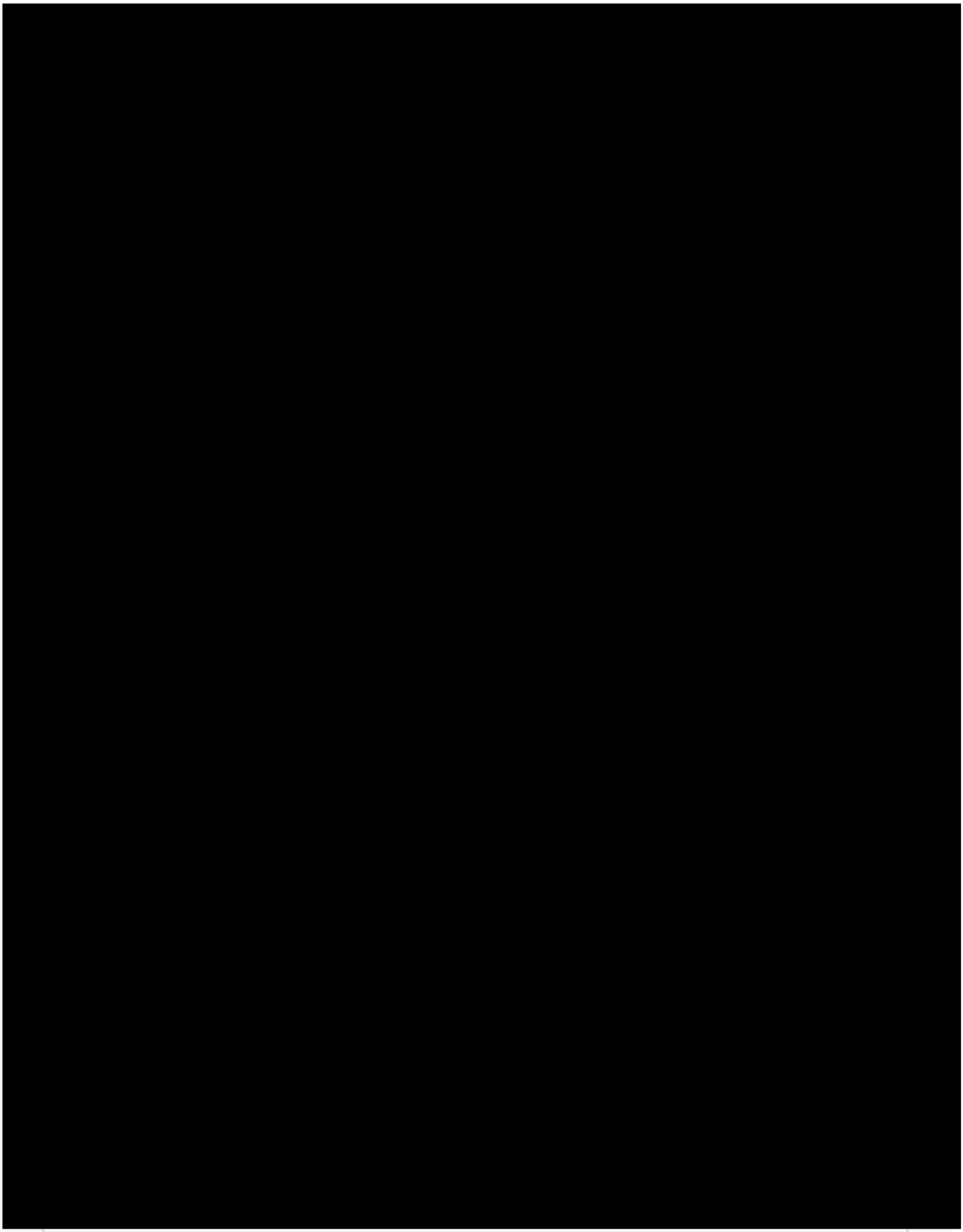

[redacted]

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From: postmaster@beaufort.k12.sc.us
Sent: Friday, July 29, 2022 1:38 PM
To: newsletters--SpecialEd@send.smartbrief.com
Subject: Undeliverable: Building skills is part of riding program
Attachments: Building skills is part of riding program

Your message to amber.blakes@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--Special. . .	Office 365	beaufort.k12.sc.us
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	7/29/2022 5:37:48 PM
Sender Address:	newsletters--SpecialEd@send.smartbrief.com
Recipient Address:	amber.blakes@beaufort.k12.sc.us
Subject:	Building skills is part of riding program

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (amber.blakes@beaufort.k12.sc.us:blocked)*
DSN generated by:	MWHPR0801MB3817.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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2	7/29/2022 5:37:49 PM	mail10.smartbrief.com	mx-inbound11-208.us-east-2a.ess.aws.cudaops.com	
3	7/29/2022 5:37:52 PM	outbound-ip107a.ess.barracuda.com	DM6NAM12FT035.mail.protection.outlook.com	Microsoft SMTP Se cipher=TLS_ECDH
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Original Message Headers

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Fri, 29 Jul 2022 12:37:49 -0500 (envelope-from <newsletters--
SpecialEd@send.smartbrief.com>)
Date: Fri, 29 Jul 2022 12:37:48 -0500 (CDT)
From: "SmartBrief on Special Education" <specialed@smartbrief.com>
To: amber.blakes@beaufort.k12.sc.us
Message-ID: <bounce--hncaxolldeyl2l3c@send.smartbrief.com>
Subject: Building skills is part of riding program

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X-BESS-VER: 2019.1_20220712.2016
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X-BESS-Spam-Status: SCORE=0.00 using account:ESS26274 scores of QUARANTINE_LEVEL=0.0
KILL_LEVEL=5.0 tests=HTML_MESSAGE
Received-SPF: pass (mx-inbound11-208.us-east-2a.ess.aws.cudaops.com: domain of
newsletters--SpecialEd@send.smartbrief.com designates 72.32.59.16 as permitted sender)
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X-BESS-DMARC: no-action HeaderFrom:smartbrief.com Record:"v=DMARC1; p=reject; sp=none;
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PCT(no-pct)
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        Rule breakdown below
         pts rule name              description
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X-MS-Exchange-CrossTenant-FromEntityHeader: Internet
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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: john.williams@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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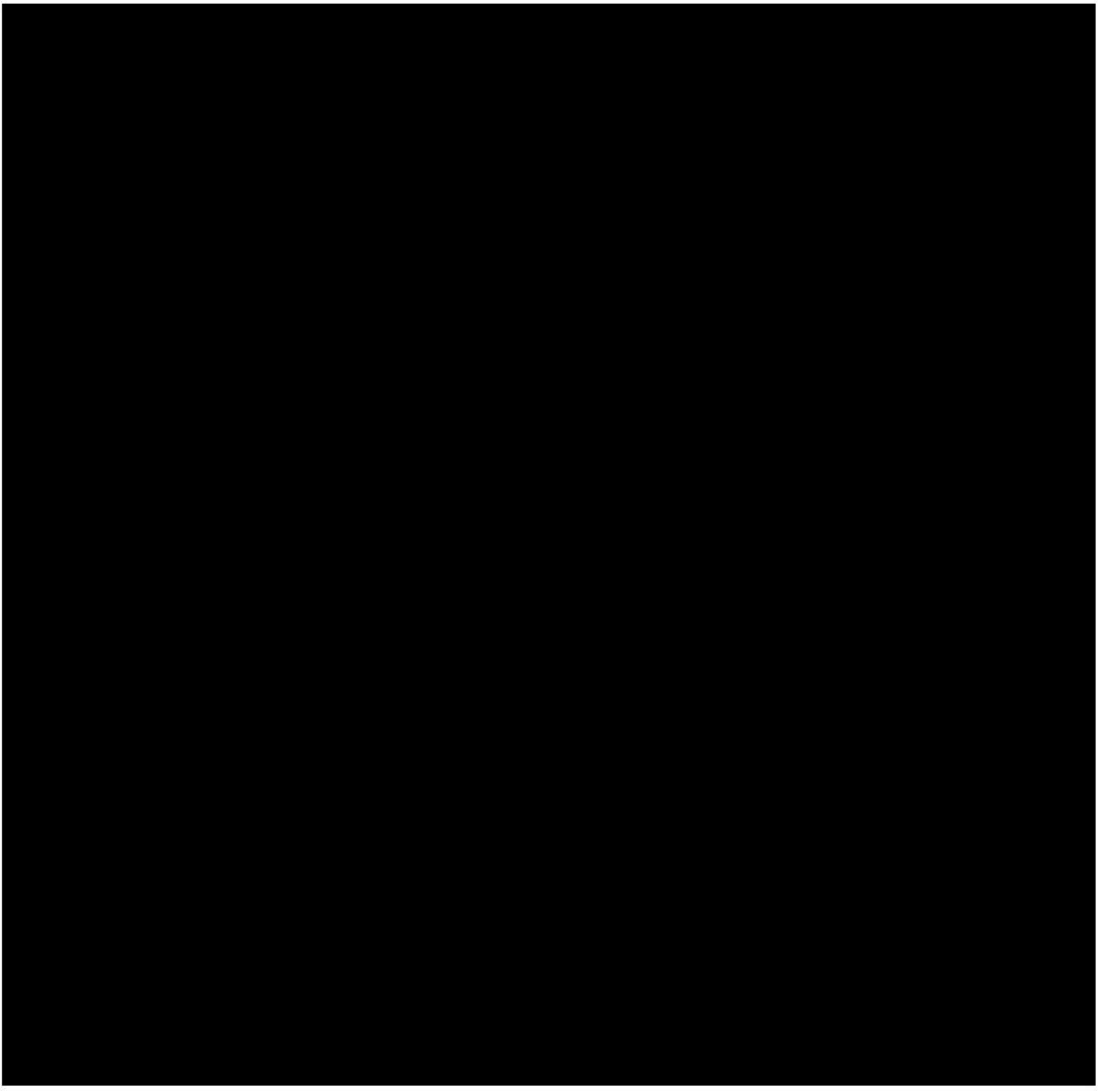

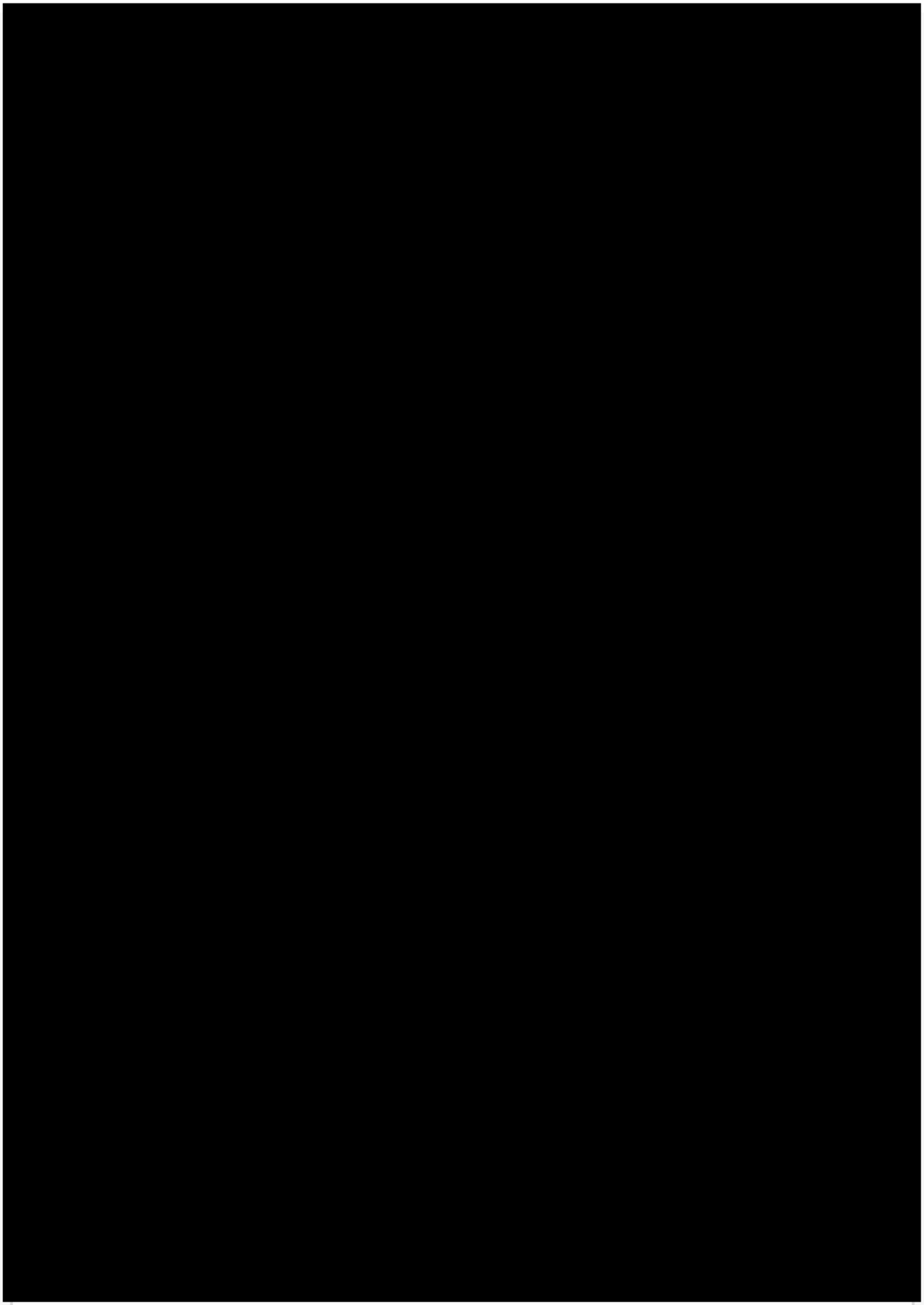

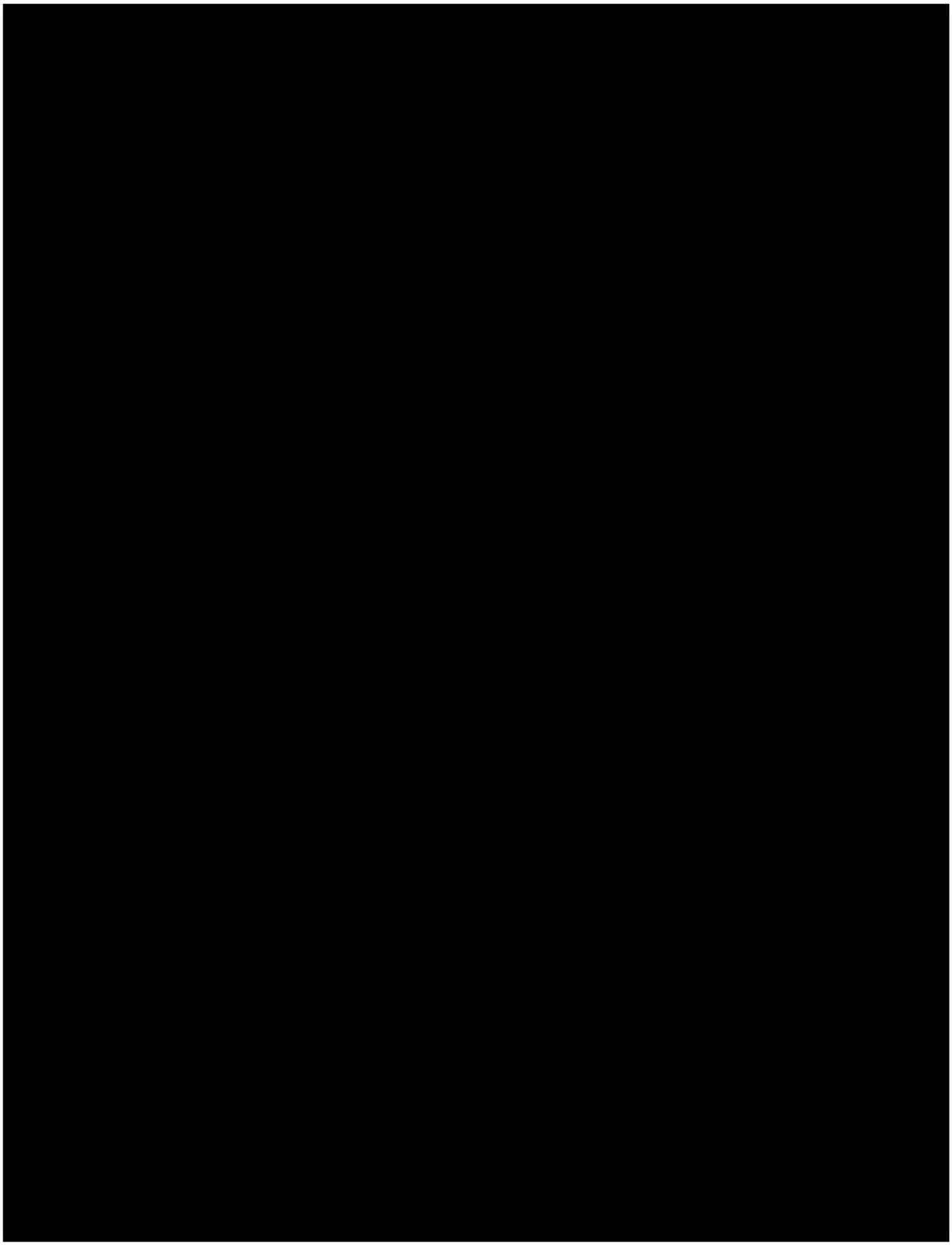

[redacted]

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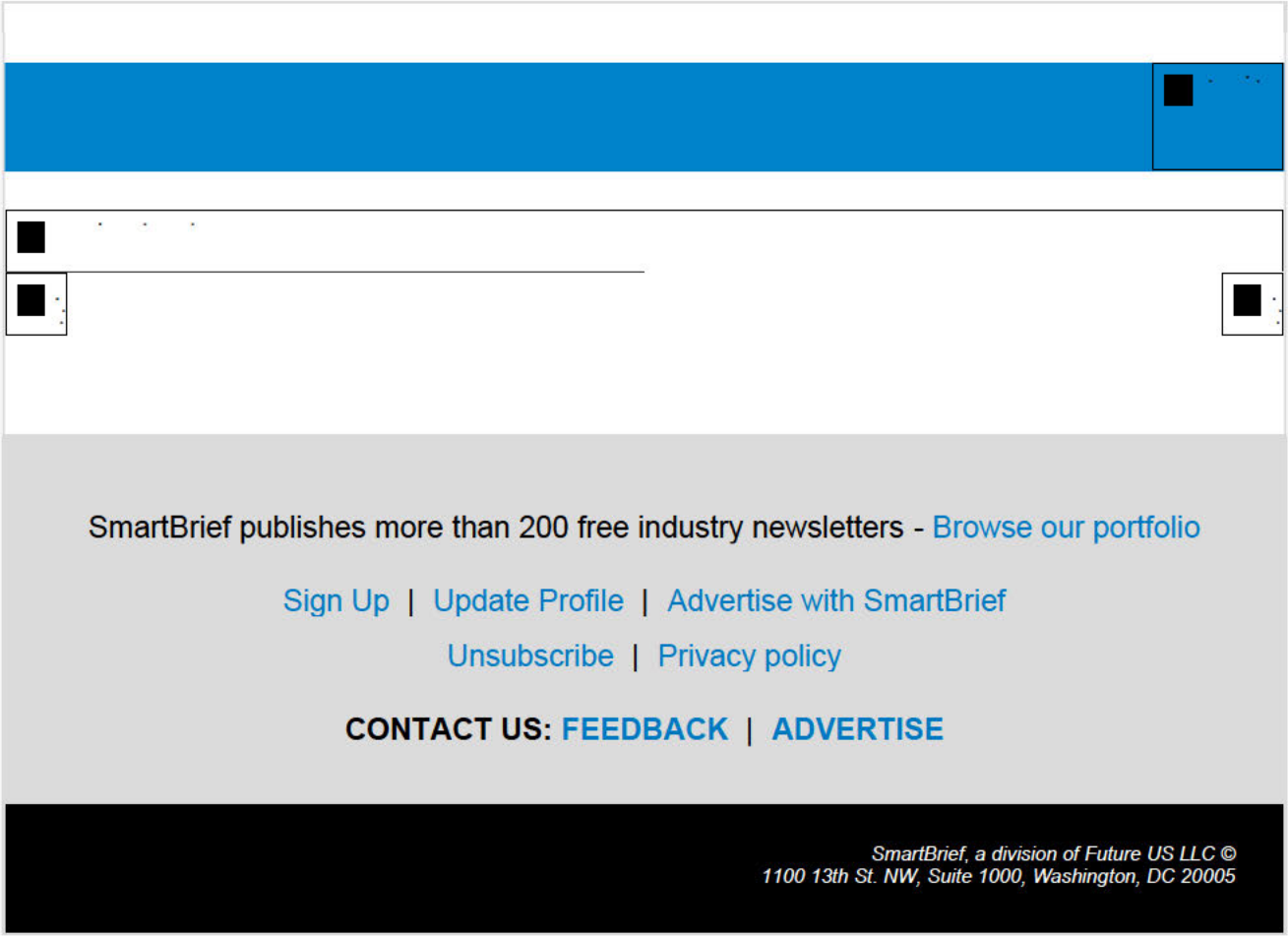

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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: katherine.bradford@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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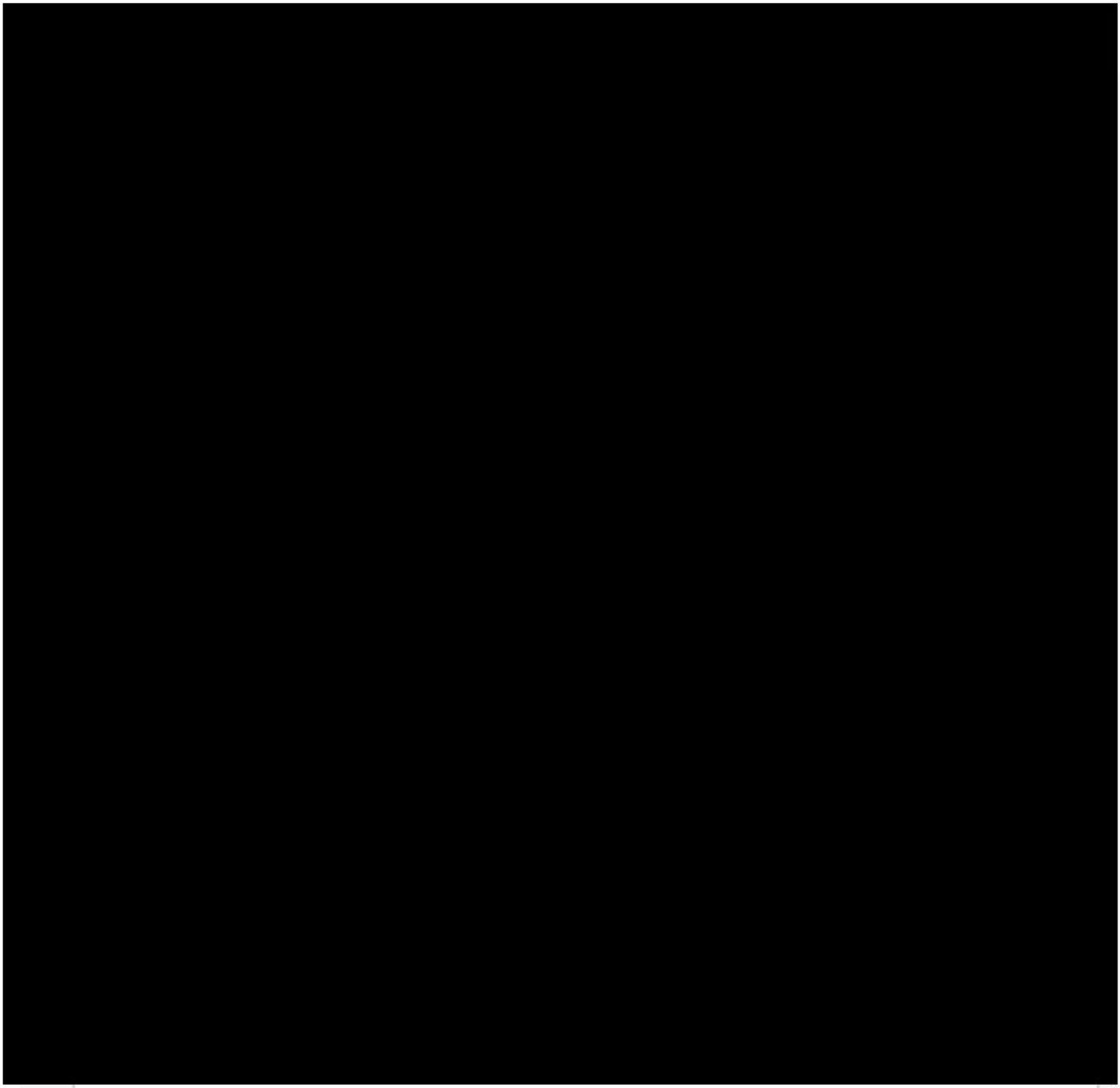

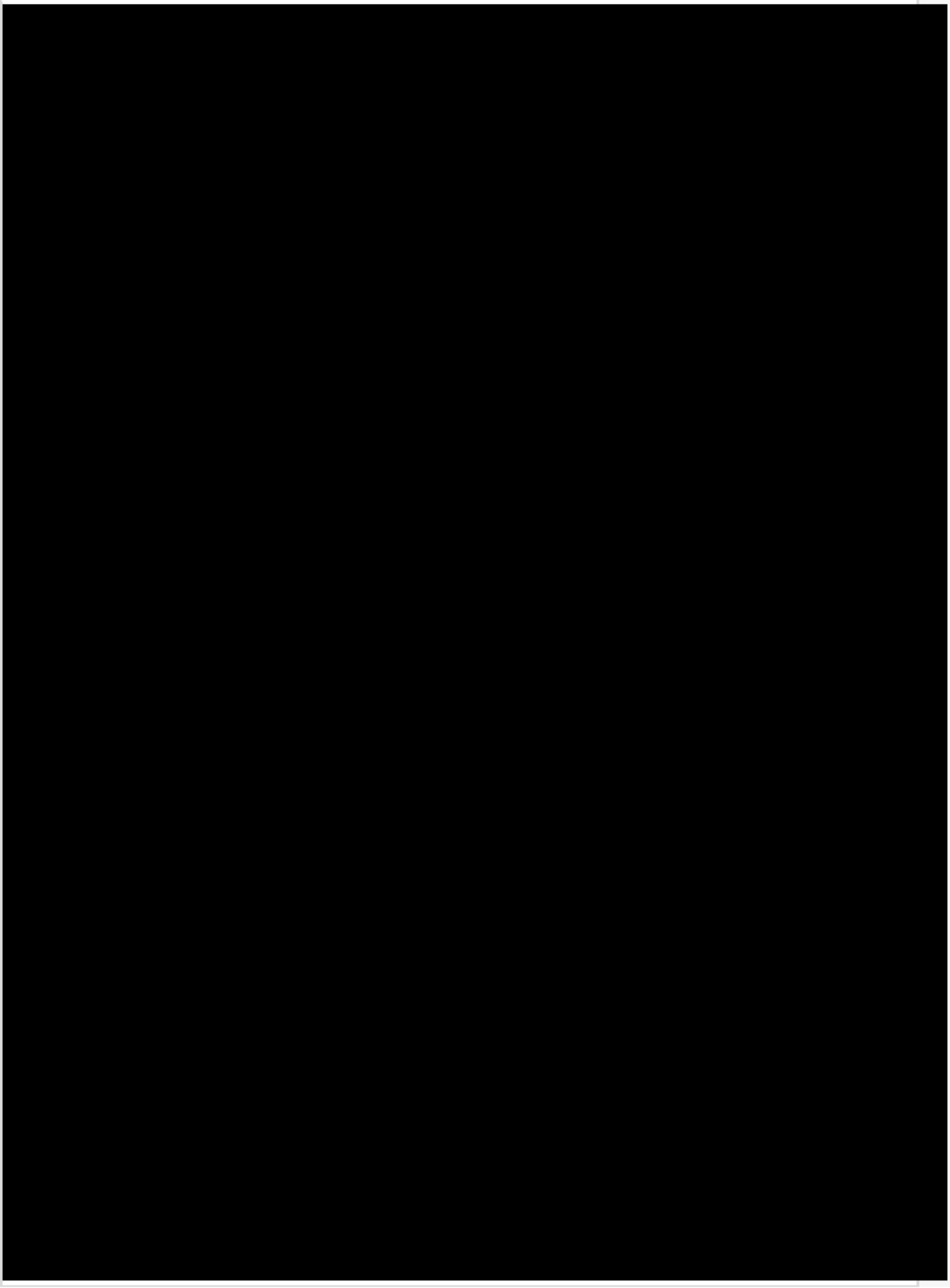

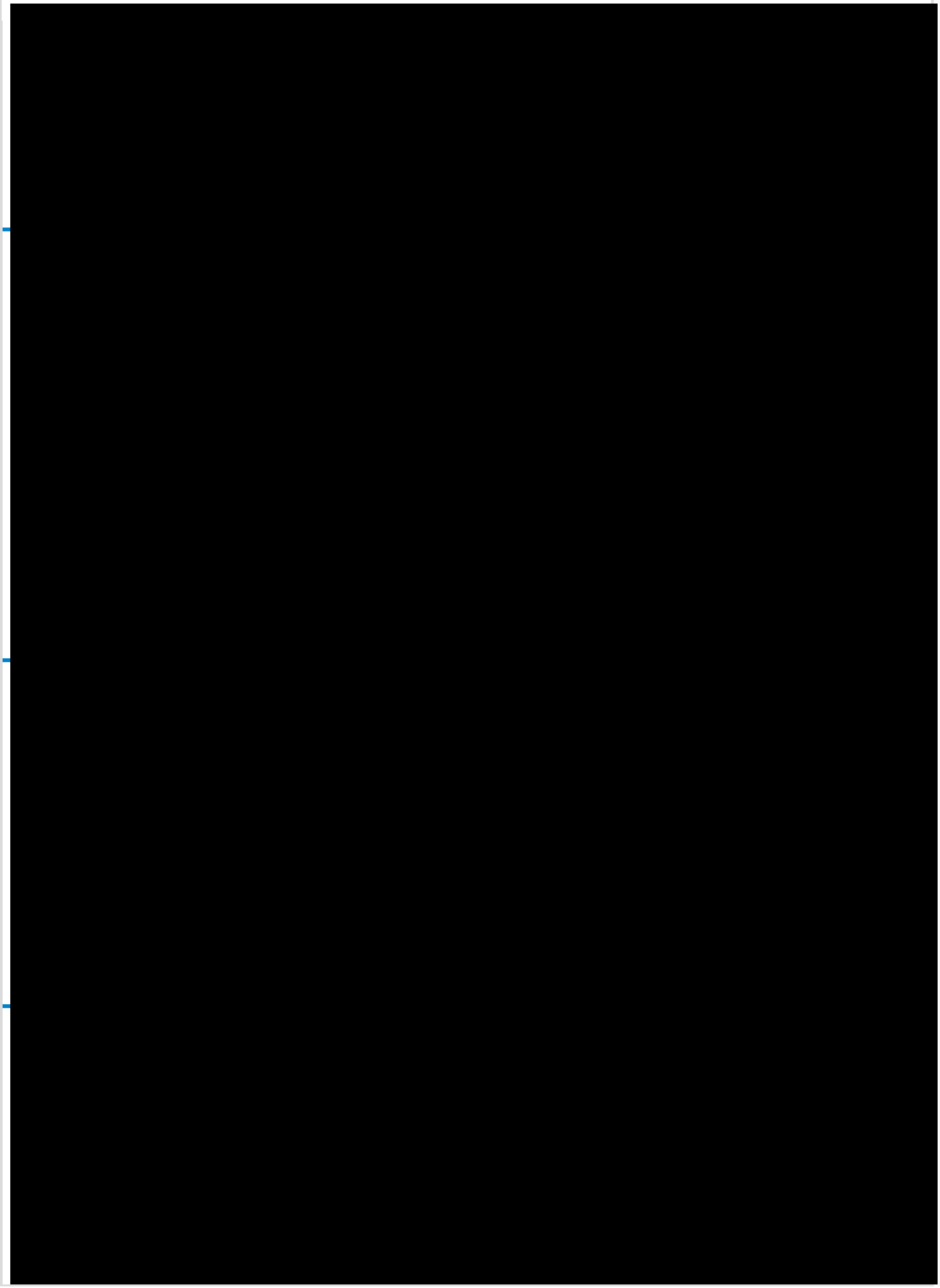



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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: bernateen.bibb@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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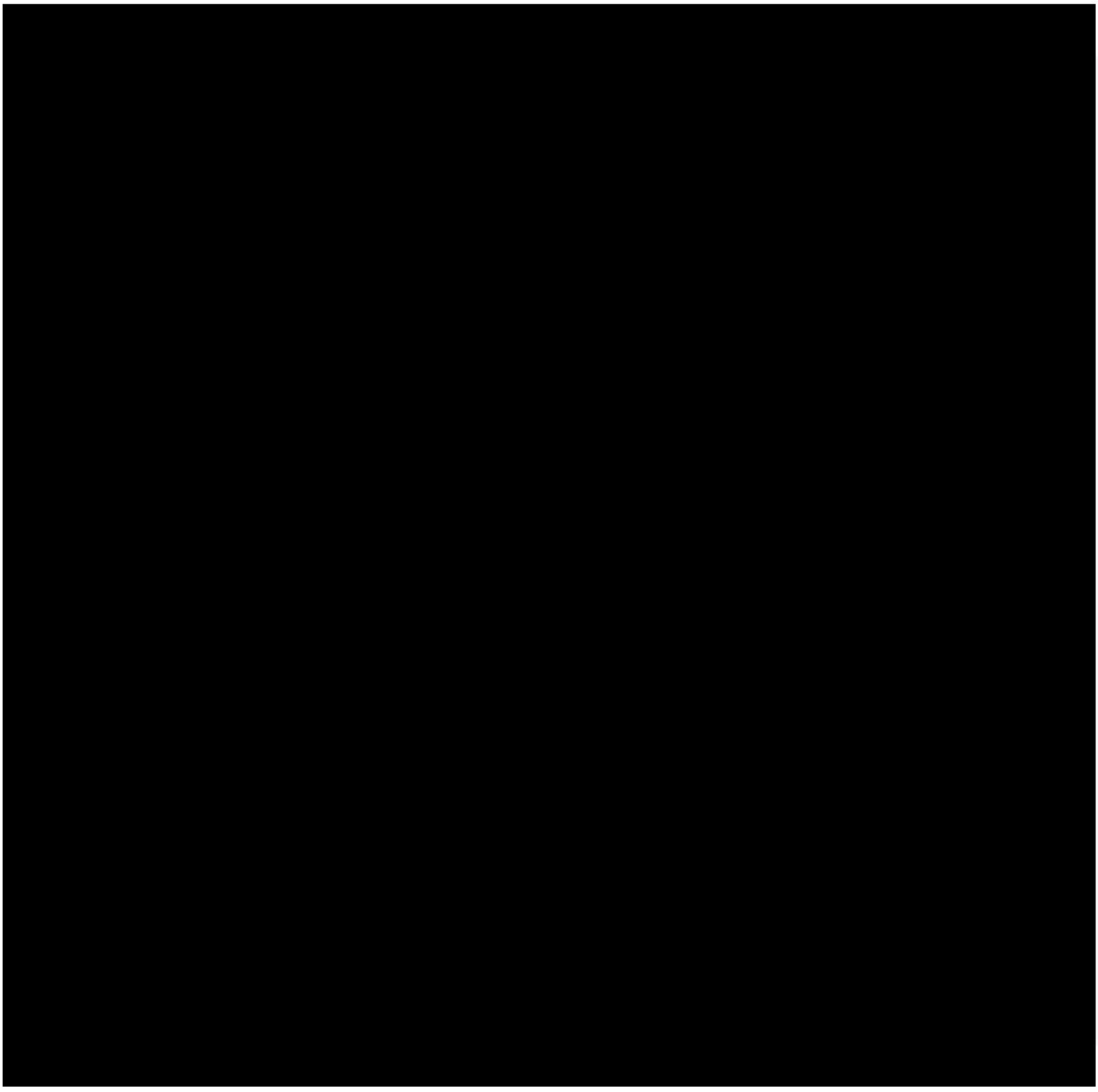

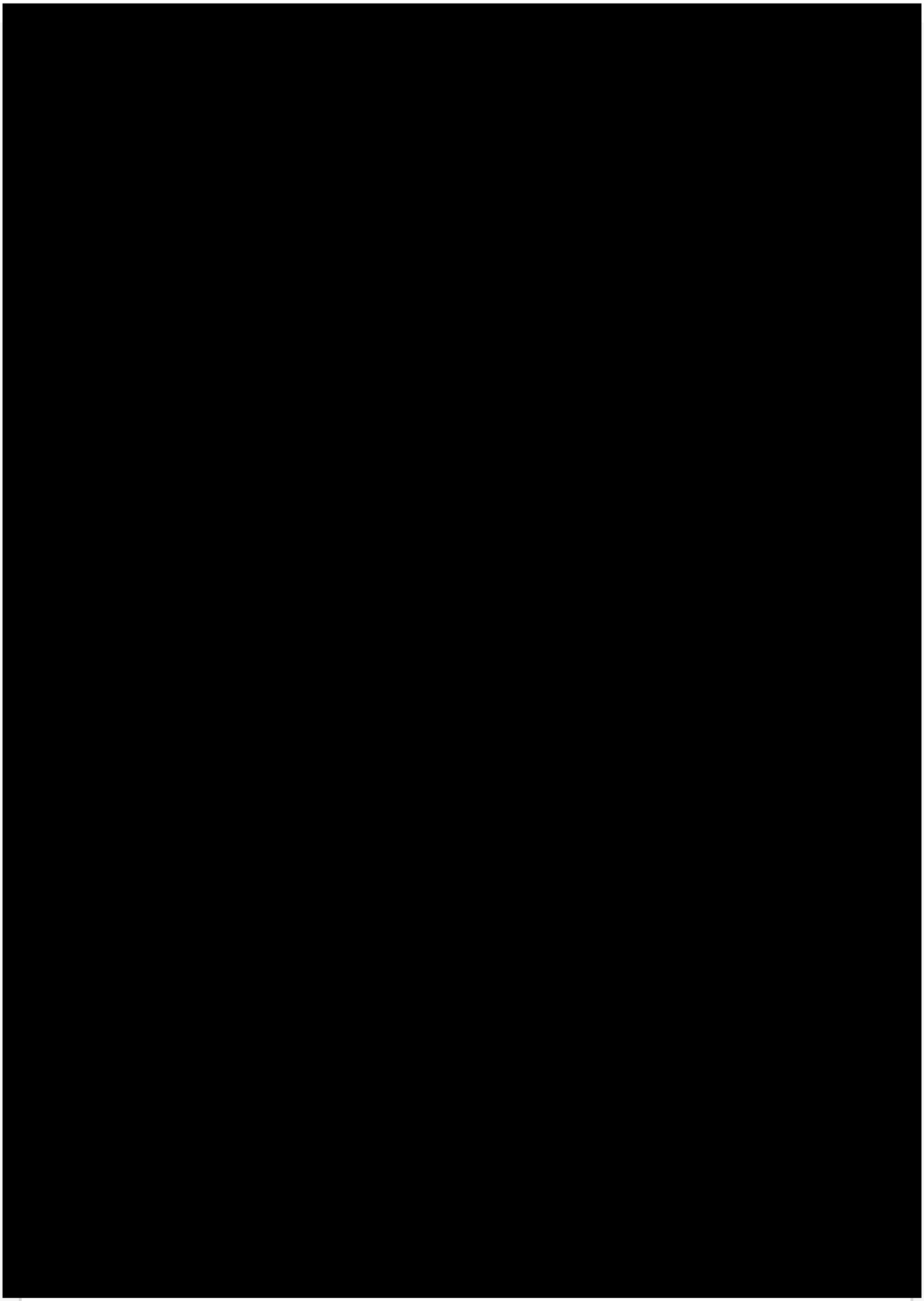

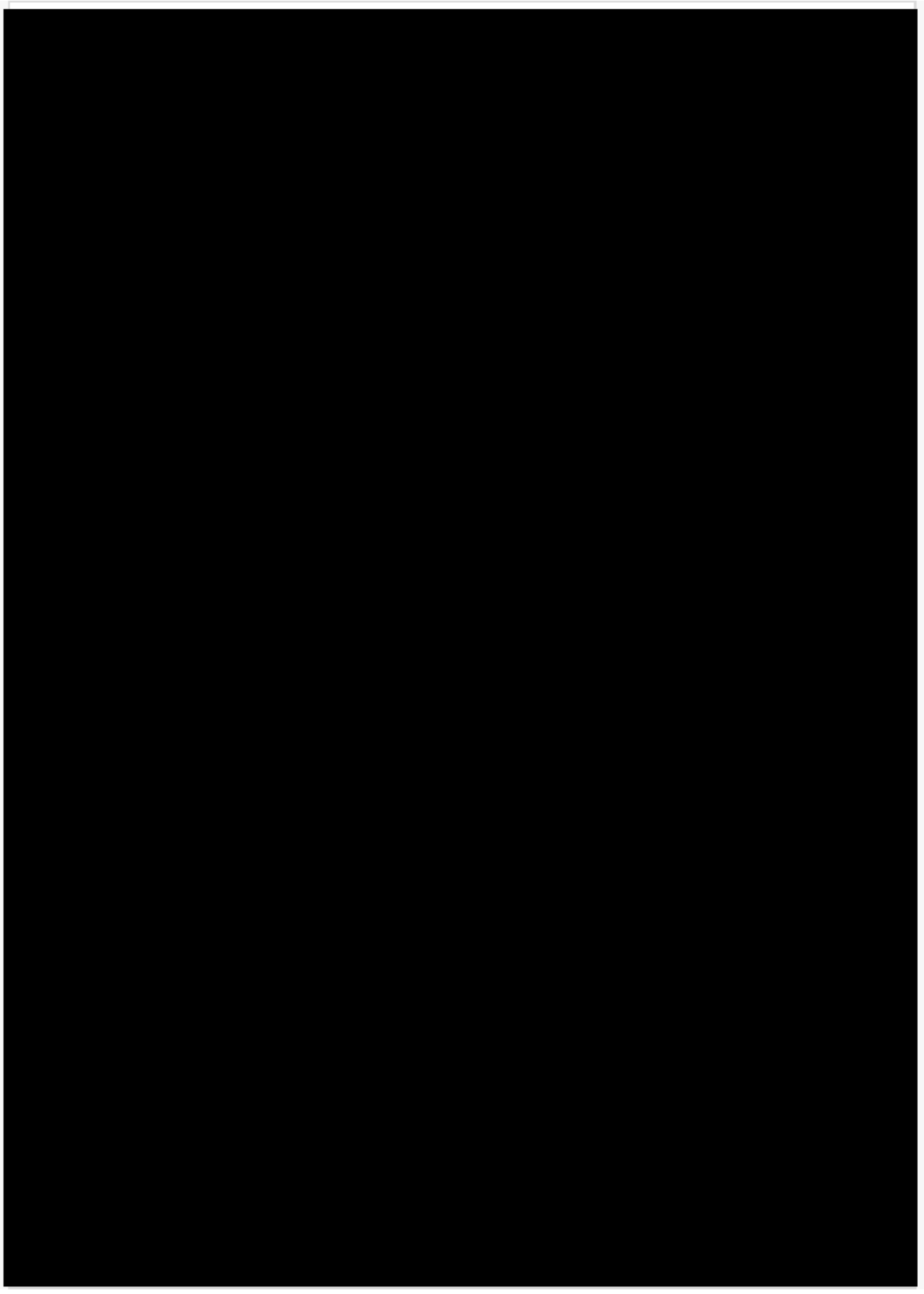



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From: postmaster@beaufort.k12.sc.us
Sent: Friday, July 29, 2022 1:38 PM
To: newsletters--SpecialEd@send.smartbrief.com
Subject: Undeliverable: Building skills is part of riding program
Attachments: Building skills is part of riding program

Your message to lisa.casterline@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--Special. . .	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	7/29/2022 5:37:53 PM
Sender Address:	newsletters--SpecialEd@send.smartbrief.com
Recipient Address:	lisa.casterline@beaufort.k12.sc.us
Subject:	Building skills is part of riding program

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (lisa.casterline@beaufort.k12.sc.us:blocked)*
DSN generated by:	DM5PR08MB3404.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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2	7/29/2022 5:37:54 PM	mail21.smartbrief.com	mx-inbound40-130.us-east-2c.ess.aws.cudaops.com	
3	7/29/2022 5:37:57 PM	outbound-ip121a.ess.barracuda.com	MW2NAM12FT054.mail.protection.outlook.com	Microsoft SMTP Ser cipher=TLS_ECDHE_
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<lisa.casterline@beaufort.k12.sc.us>; Fri, 29 Jul 2022 12:37:53 -0500 (envelope-from
<newsletters--SpecialEd@send.smartbrief.com>)
Date: Fri, 29 Jul 2022 12:37:53 -0500 (CDT)
From: "SmartBrief on Special Education" <specialed@smartbrief.com>
To: lisa.casterline@beaufort.k12.sc.us
Message-ID: <bounce--hncaxolqodrxwvrt@send.smartbrief.com>
Subject: Building skills is part of riding program

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X-BESS-Apparent-Source-IP: 174.143.48.137
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KILL_LEVEL=5.0 tests=HTML_MESSAGE
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PCT(no-pct)
X-BESS-Spam-Report: Code version 3.2, rules version 3.2.2.241697 [from cloudscan23-
        48.us-east-2b.ess.aws.cudaops.com]
        Rule breakdown below
         pts rule name              description
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X-MS-Exchange-Transport-CrossTenantHeadersStamped: DM5PR08MB3404

From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: lisa.casterline@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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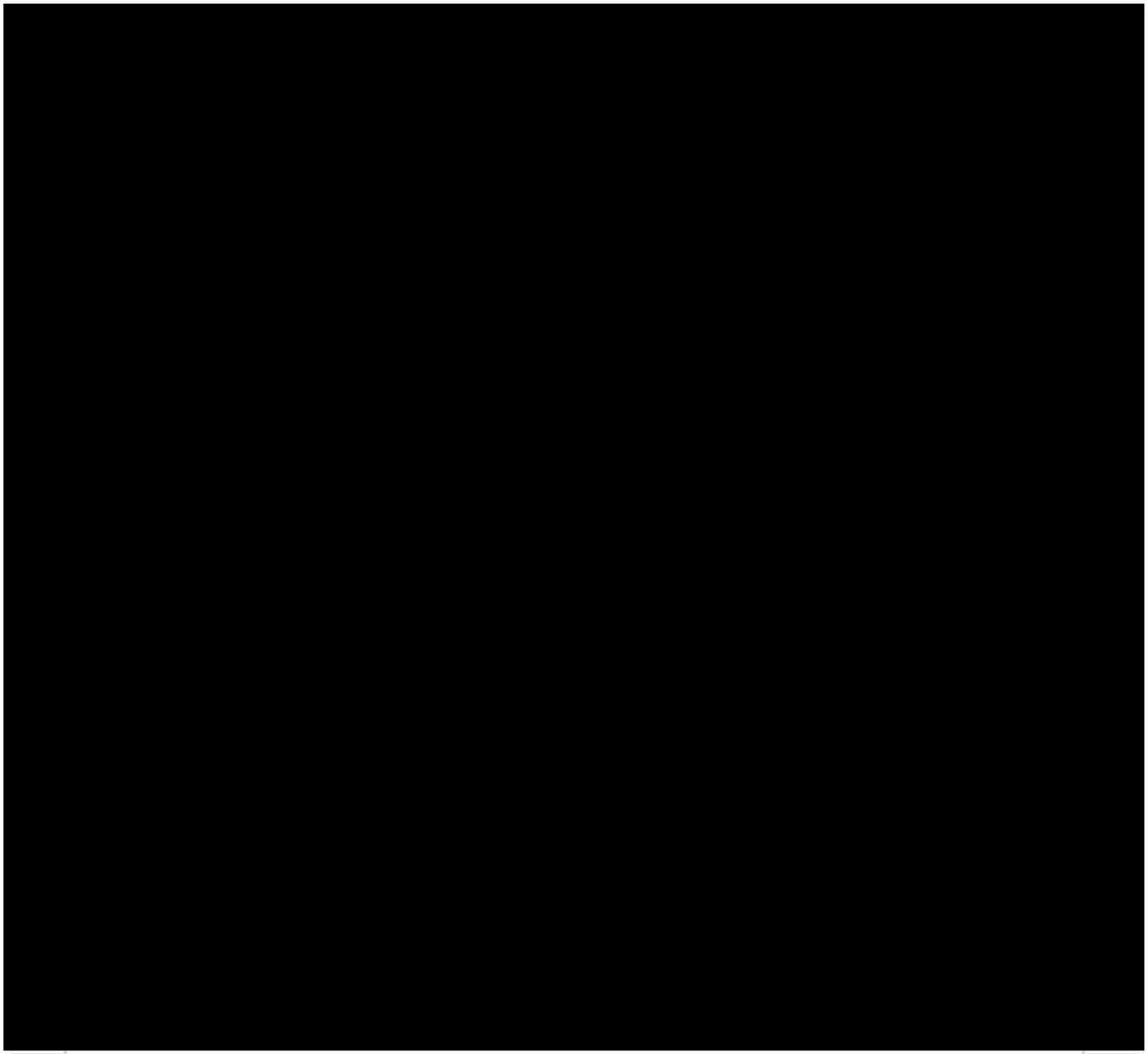

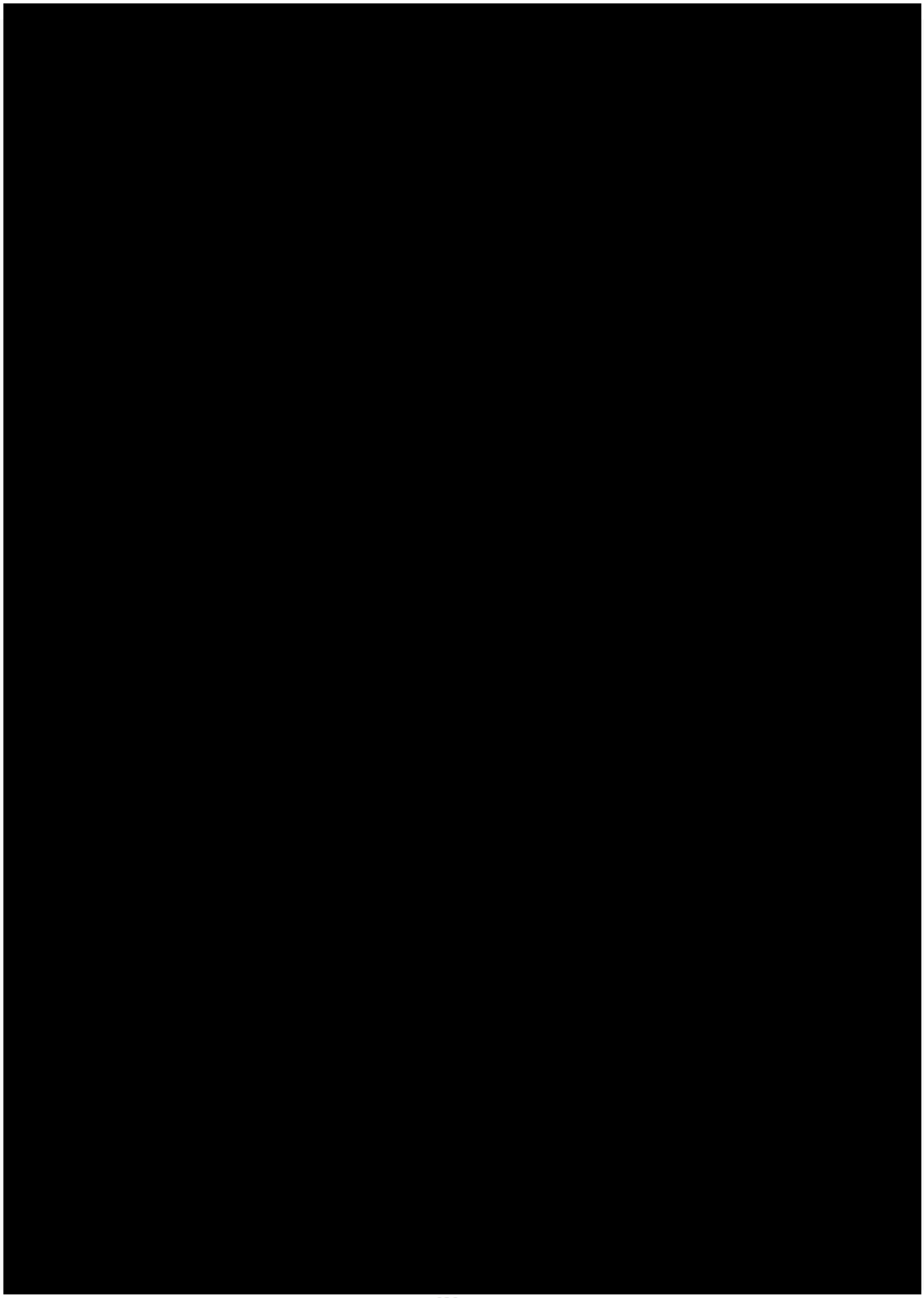

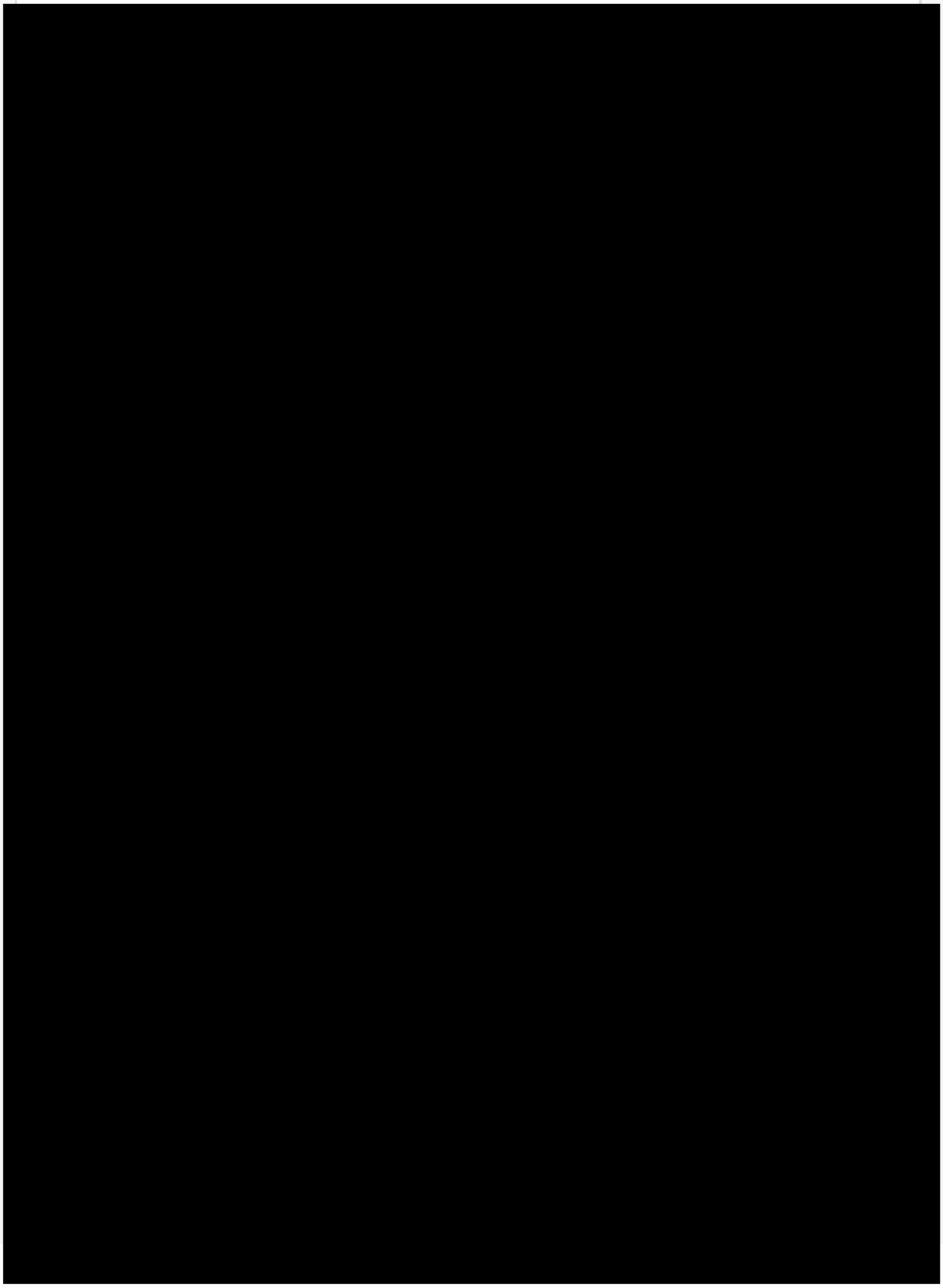

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ABOUT THE EDITOR

Extra Credit: Gender Support Plan, teacher in Russian jail

Will a Florida district's Gender Support Plan be a pass or a fail? Can brand-name sneakers keep kids in school? Will a US teacher have to serve 14 years in a Russian jail? Read about these and other issues in the latest Education Extra Credit.



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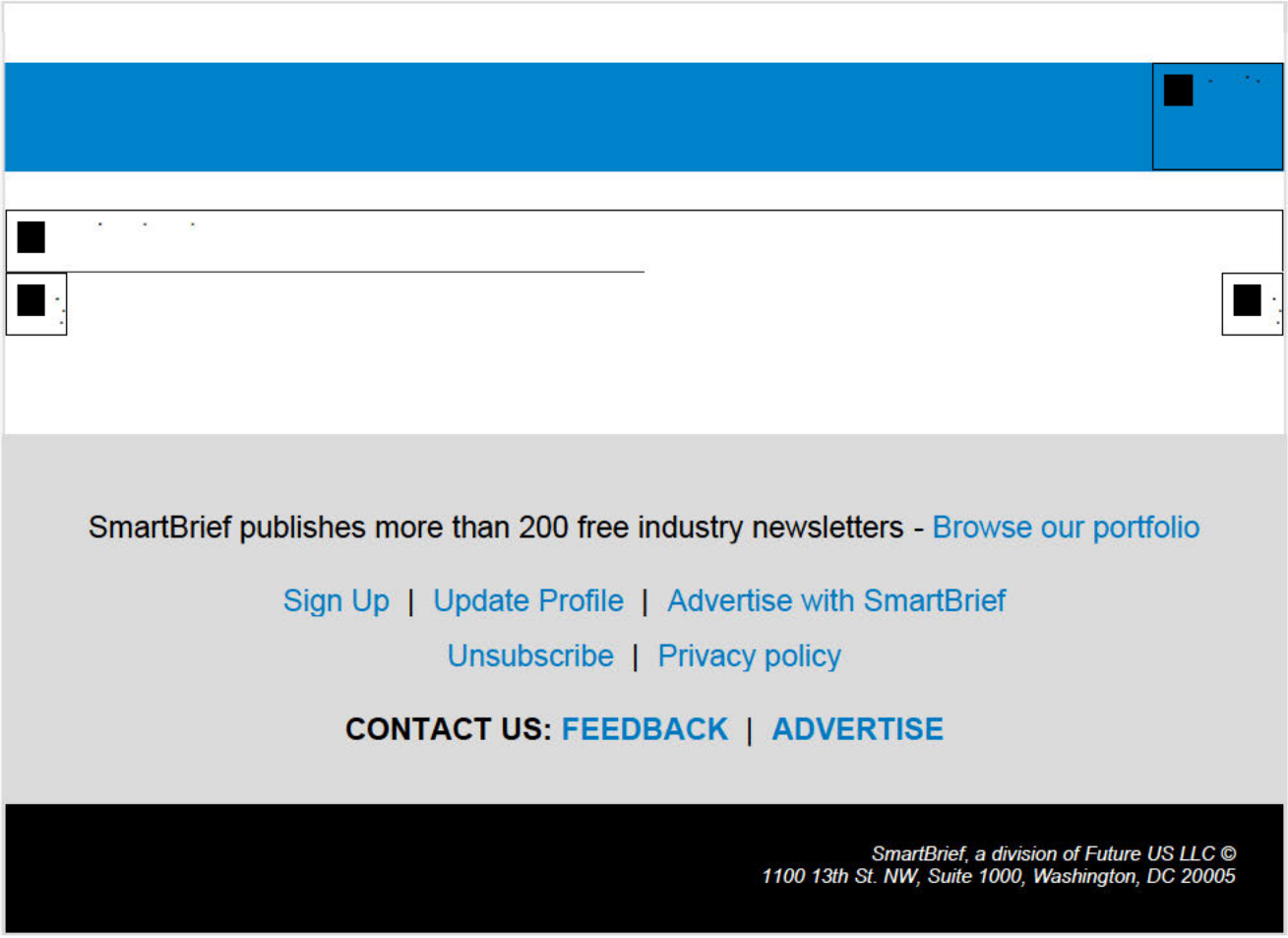
Who Said It?

We're all one beat away from becoming elevator music.

Don DeLillo or Anne Sexton

Check your answer here.





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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:38 PM
To: amber.blakes@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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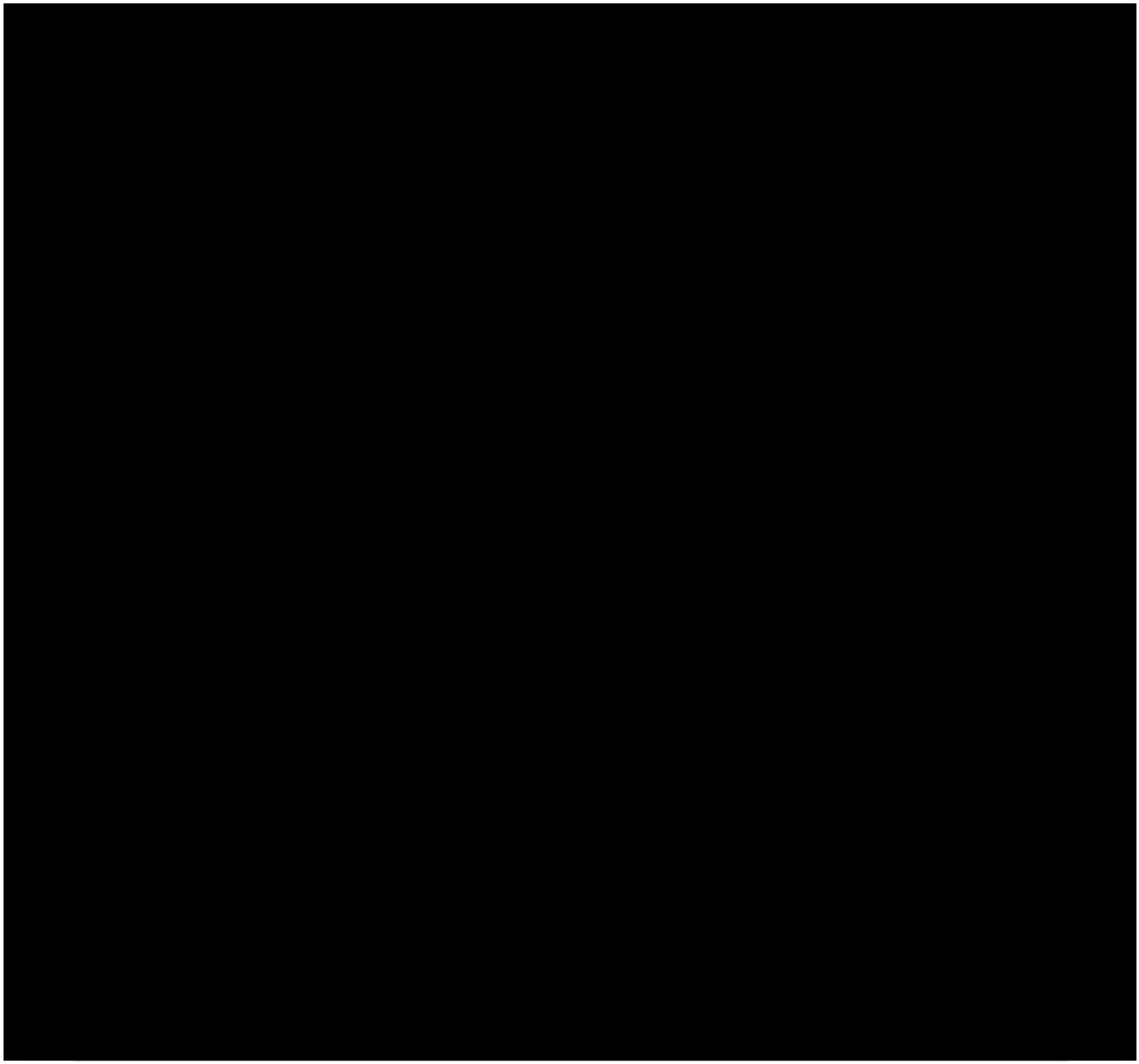

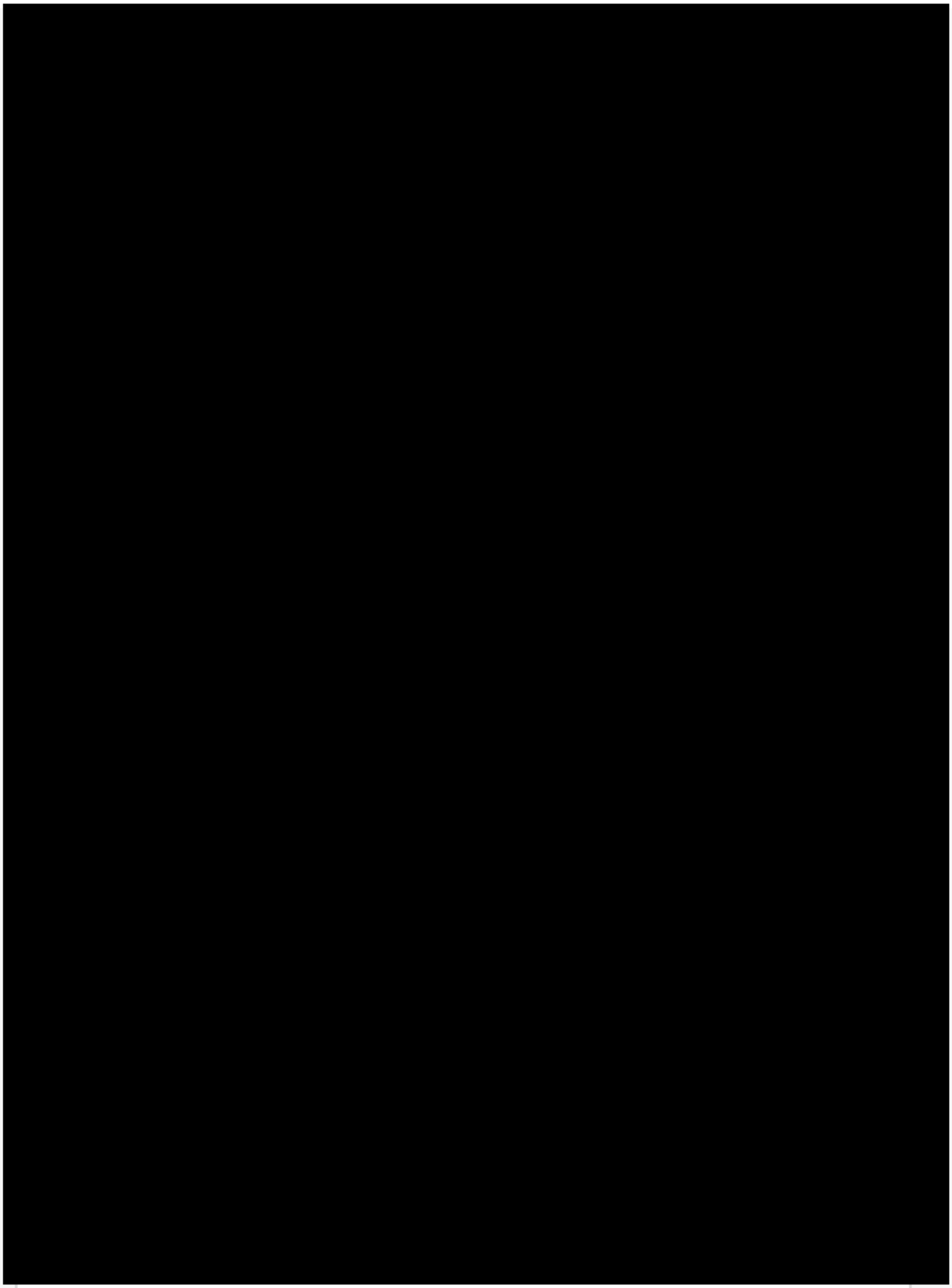

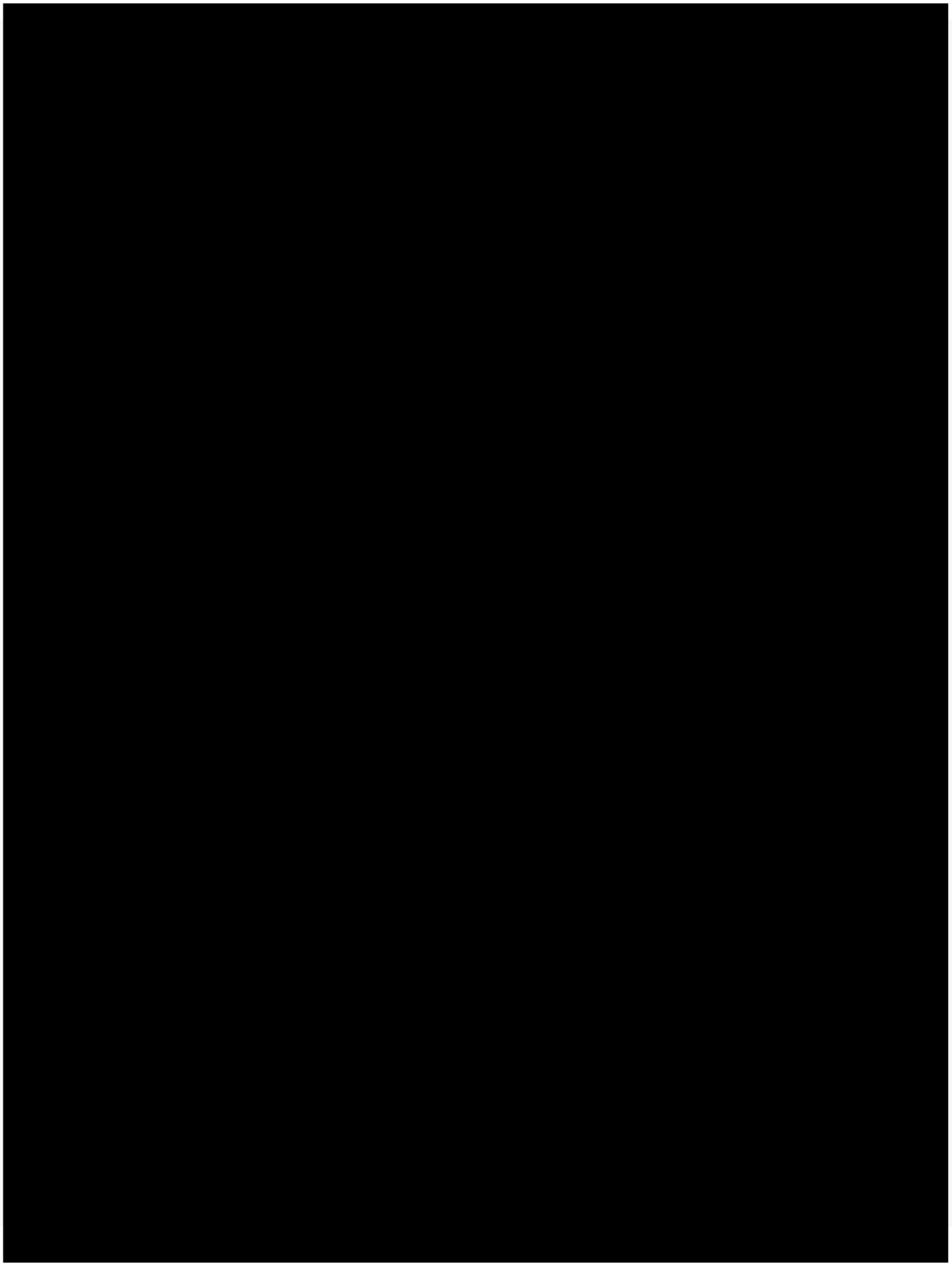

[redacted]

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Who Said It?

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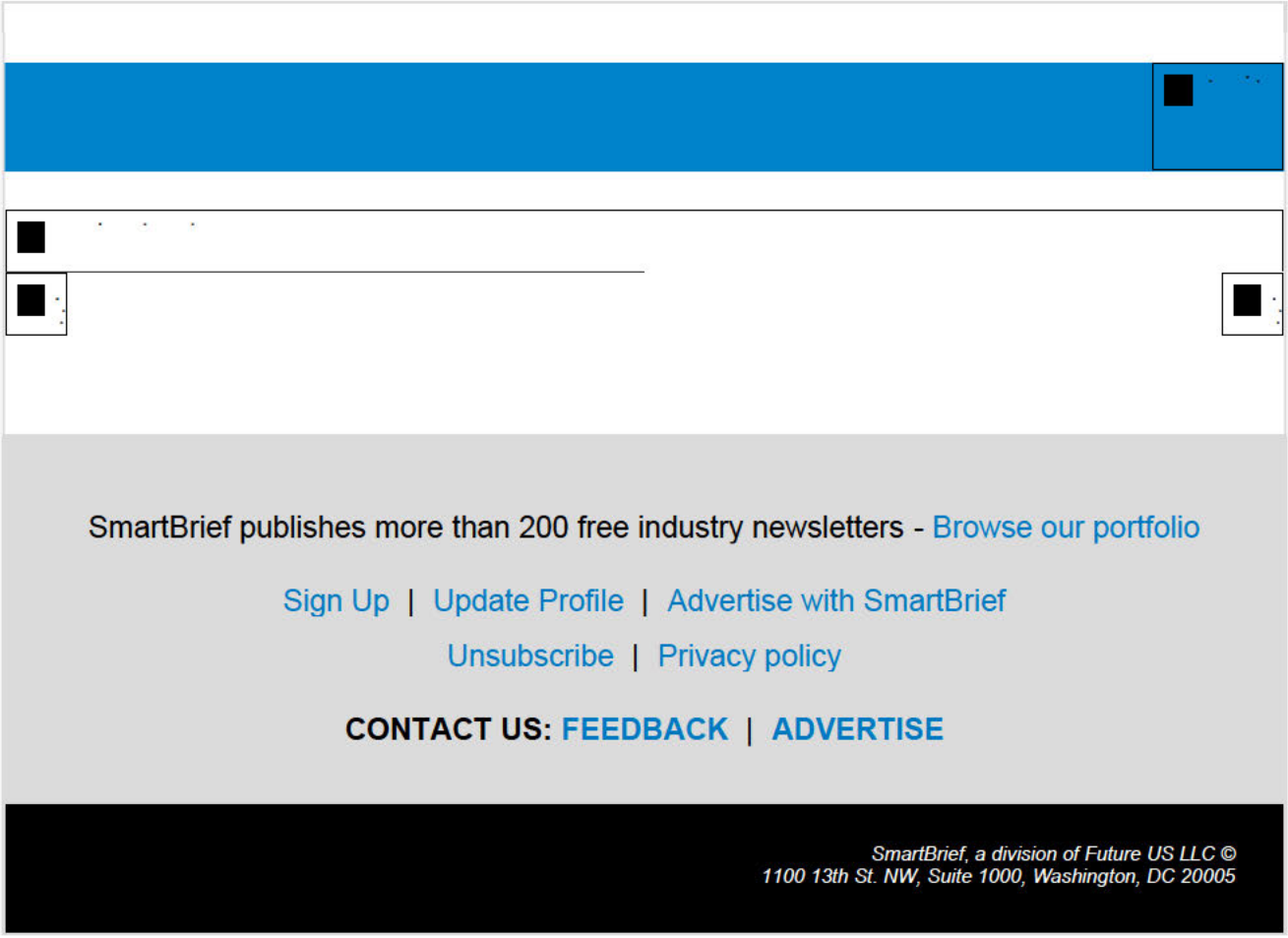
Check your answer here.





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From: postmaster@beaufort.k12.sc.us
Sent: Friday, July 29, 2022 1:38 PM
To: newsletters--SpecialEd@send.smartbrief.com
Subject: Undeliverable: Building skills is part of riding program
Attachments: Building skills is part of riding program

Your message to lynn.patterson@beaufort.k12.sc.us couldn't be delivered.

beaufort.k12.sc.us suspects your message is spam and rejected it.

newsletters--Special. . .	**Office 365**	**beaufort.k12.sc.us**
Sender		**Action Required**
		Messages suspected as spam

How to Fix It

Try to modify your message, or change how you're sending the message, using the guidance in this article: Bulk E-mailing Best Practices for Senders Using Forefront Online Protection for Exchange. Then resend your message.

If you continue to experience the problem, contact the recipient by some other means (by phone, for example) and ask them to ask their email admin to add your email address, or your domain name, to their allowed senders list.

Was this helpful? Send feedback to Microsoft.

More Info for Email Admins

Status code: 550 5.7.350

When Office 365 tried to send the message to the recipient (outside Office 365), the recipient's email server (or email filtering service) suspected the sender's message is spam.

If the sender can't fix the problem by modifying their message, contact the recipient's email admin and ask them to add your domain name, or the sender's email address, to their list of allowed senders.

Although the sender may be able to alter the message contents to fix this issue, it's likely that only the recipient's email admin can fix this problem. Unfortunately, Office 365 Support is unlikely to be able to help fix these kinds of externally reported errors.

Original Message Details

Created Date:	7/29/2022 5:37:24 PM
Sender Address:	newsletters--SpecialEd@send.smartbrief.com
Recipient Address:	lynn.patterson@beaufort.k12.sc.us
Subject:	Building skills is part of riding program

Error Details

Reported error:	*550 5.7.350 Remote server returned message detected as spam -> 550 permanent failure for one or more recipients (lynn.patterson@beaufort.k12.sc.us:blocked)*
DSN generated by:	BN6PR08MB3489.namprd08.prod.outlook.com

Message Hops

HOP	TIME (UTC)	FROM	TO	WITH
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3	7/29/2022 5:37:28 PM	outbound-ip61a.ess.barracuda.com	DM6NAM12FT058.mail.protection.outlook.com	Microsoft SMTP Serv cipher=TLS_ECDHE_R
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<newsletters--SpecialEd@send.smartbrief.com>)
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From: "SmartBrief on Special Education" <specialed@smartbrief.com>
To: lynn.patterson@beaufort.k12.sc.us
Message-ID: <bounce--hncaxnf4uf8lr2db@send.smartbrief.com>
Subject: Building skills is part of riding program

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        221.us-east-2b.ess.aws.cudaops.com]
        Rule breakdown below
         pts rule name              description
        ---- ---------------------- --------------------------------
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X-EOPAttributedMessage: 0
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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:37 PM
To: lynn.patterson@beaufort.k12.sc.us
Subject: Building skills is part of riding program

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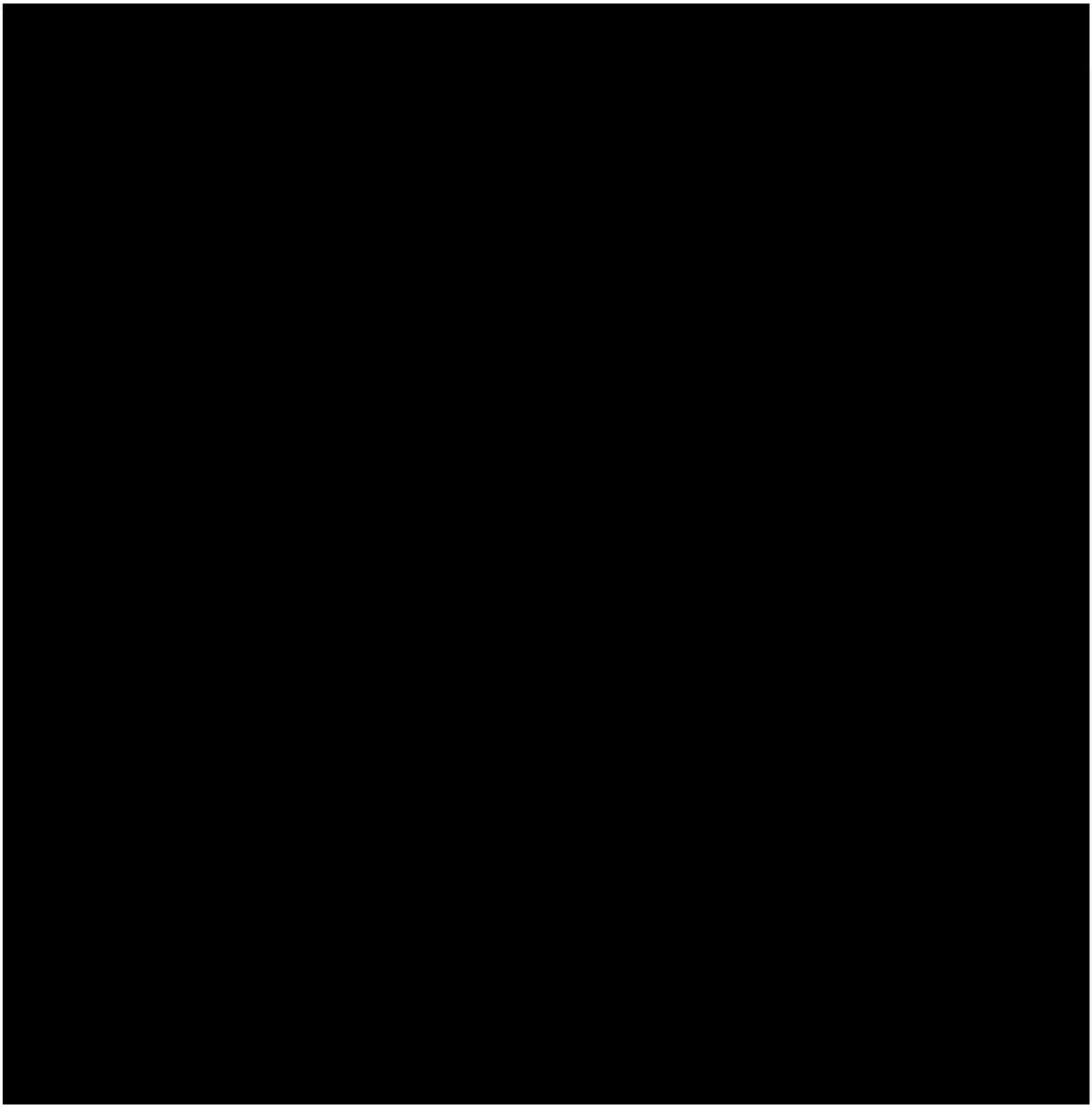

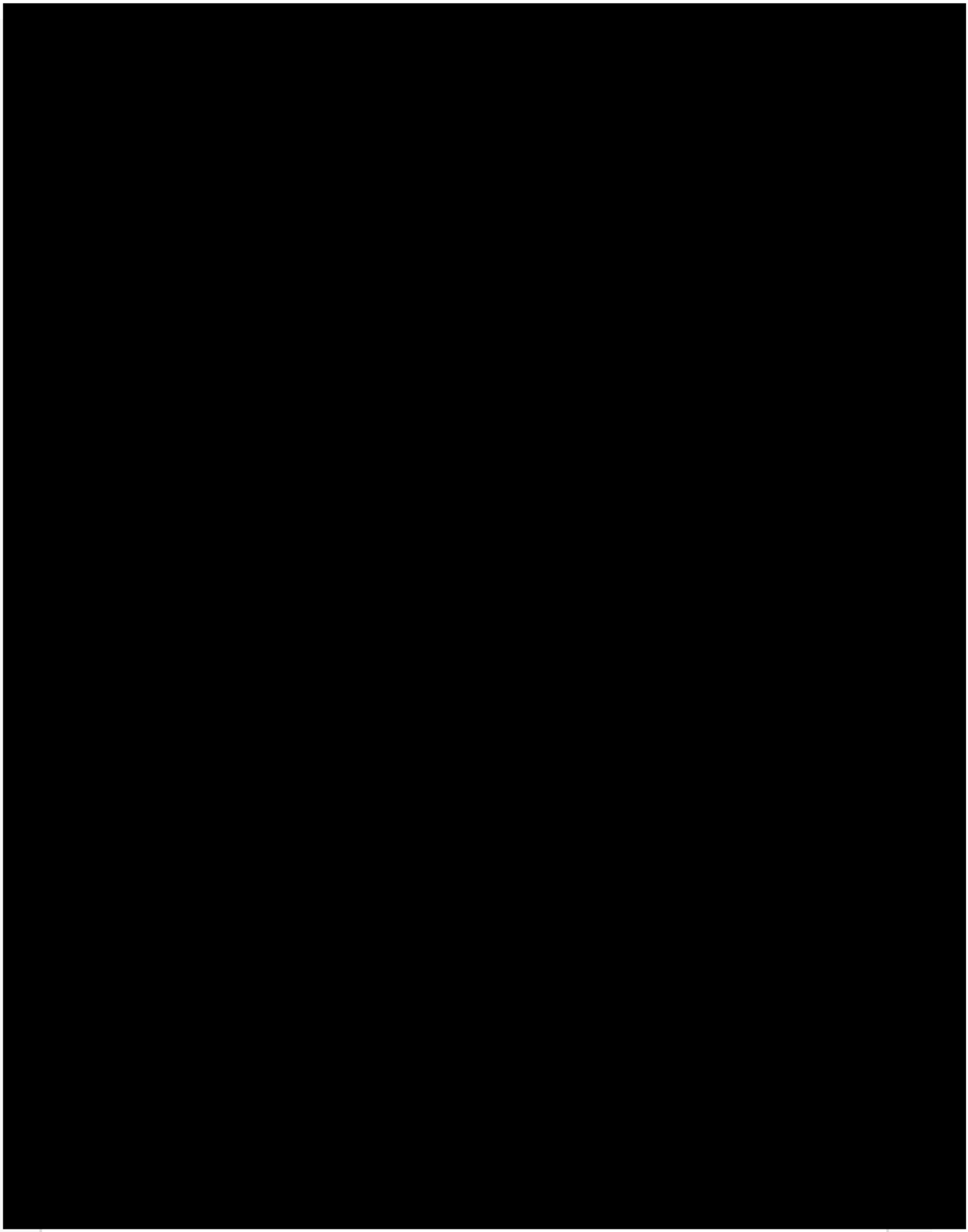

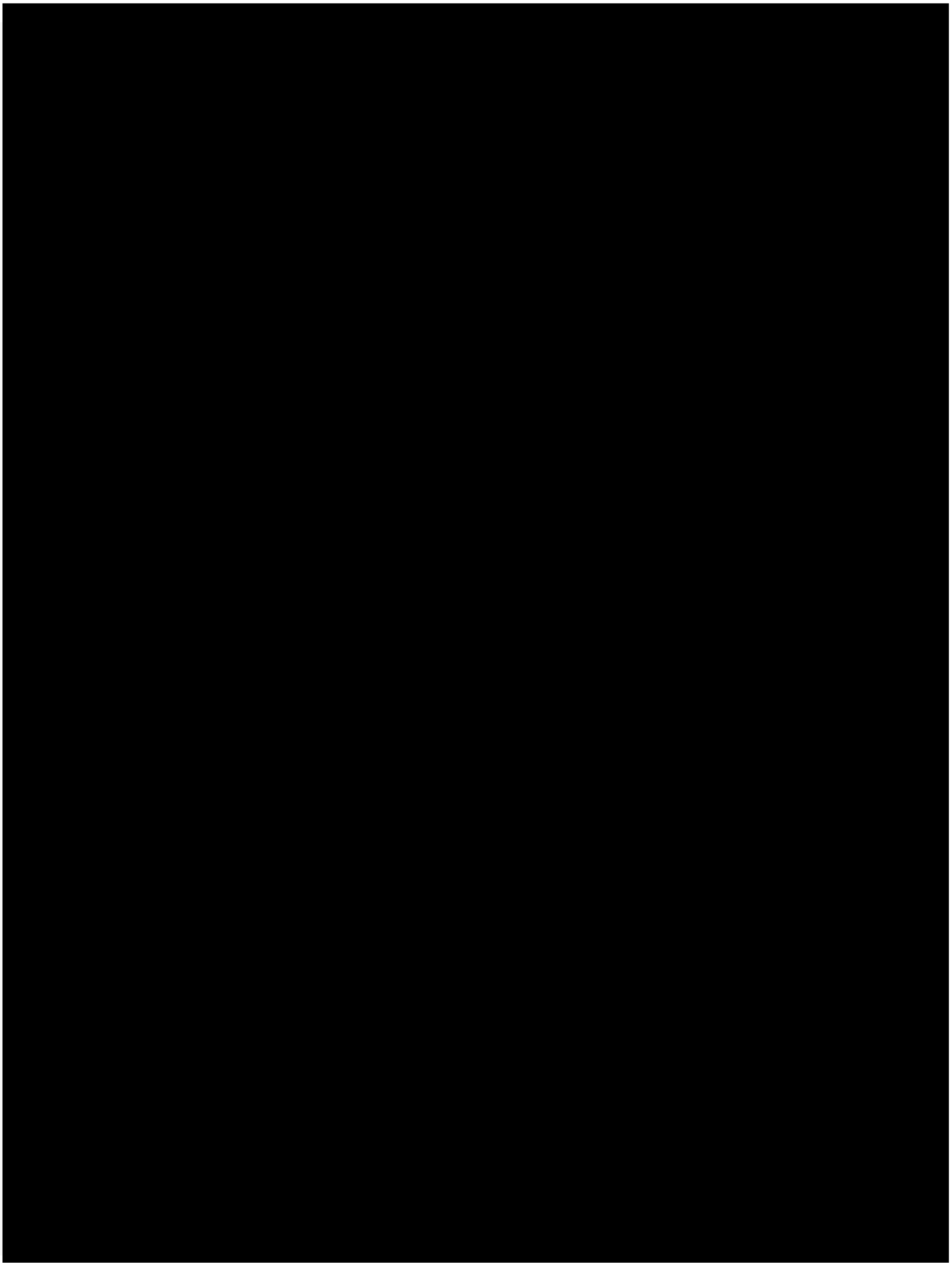

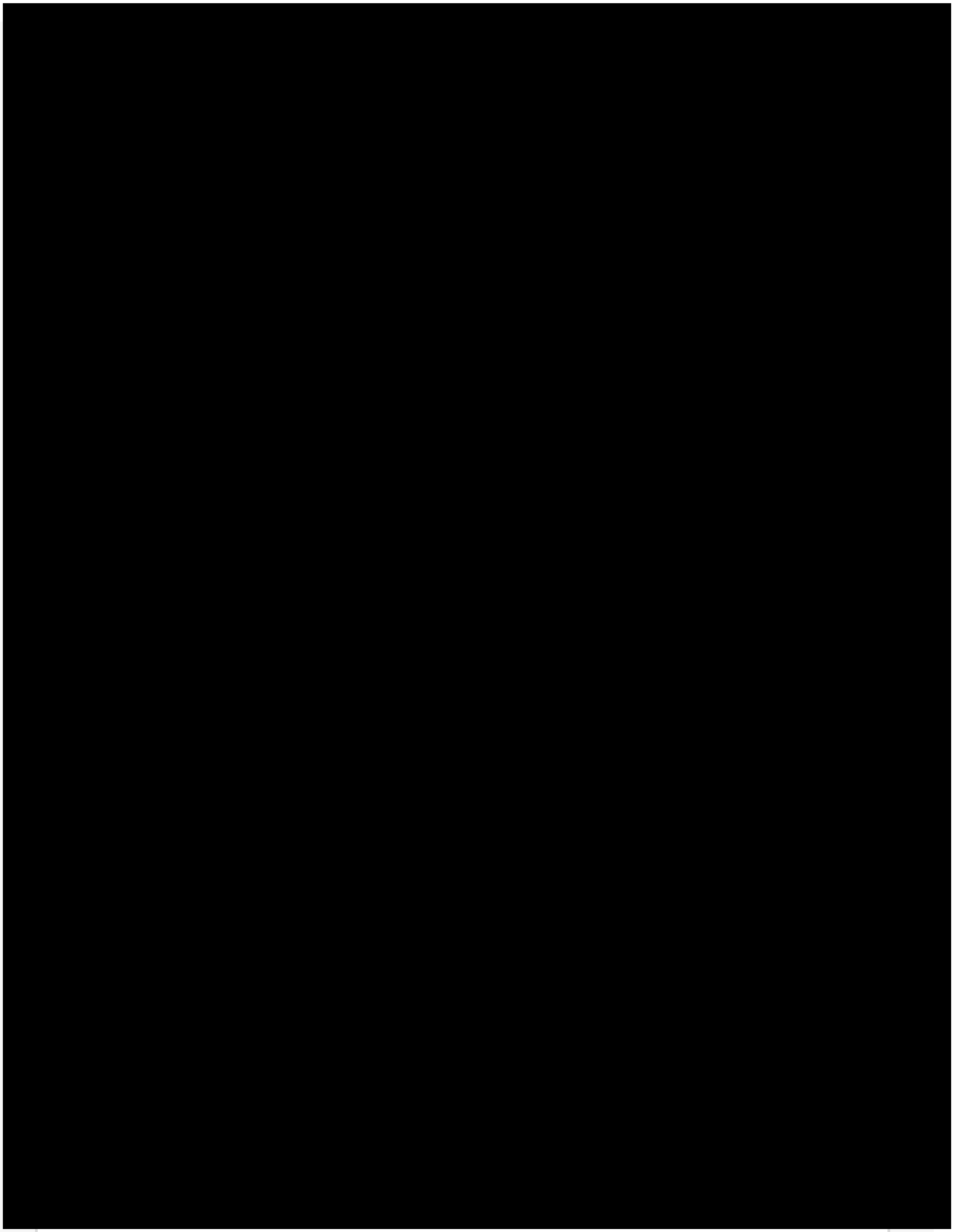



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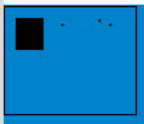

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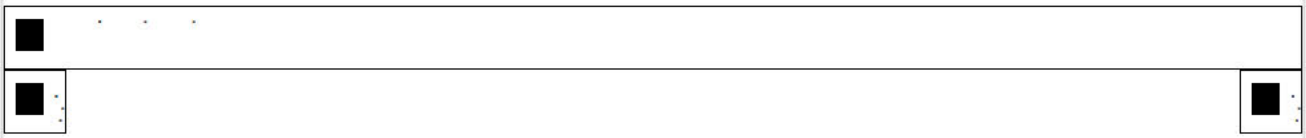

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:16 PM
To: yolanda.goethe@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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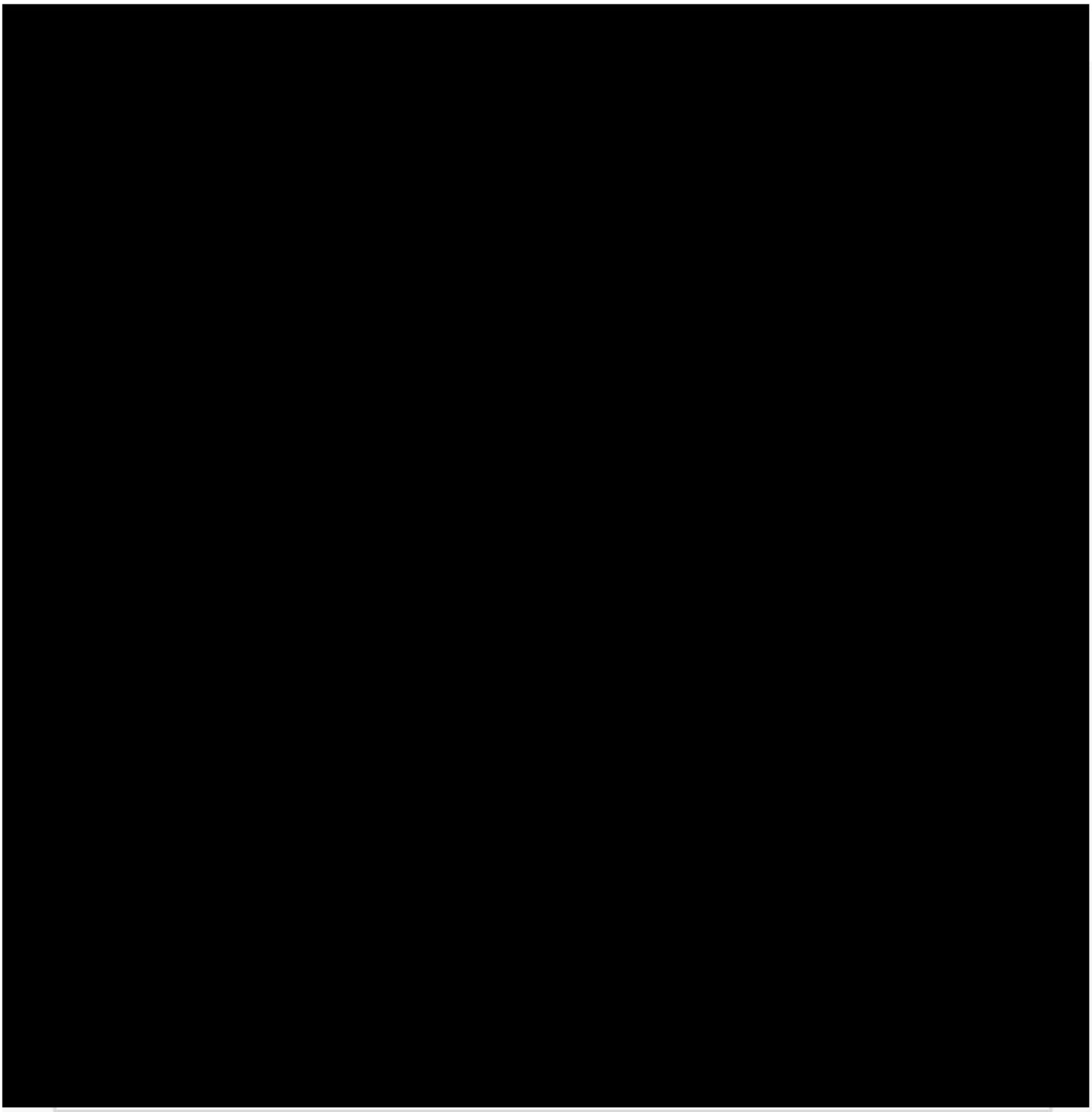

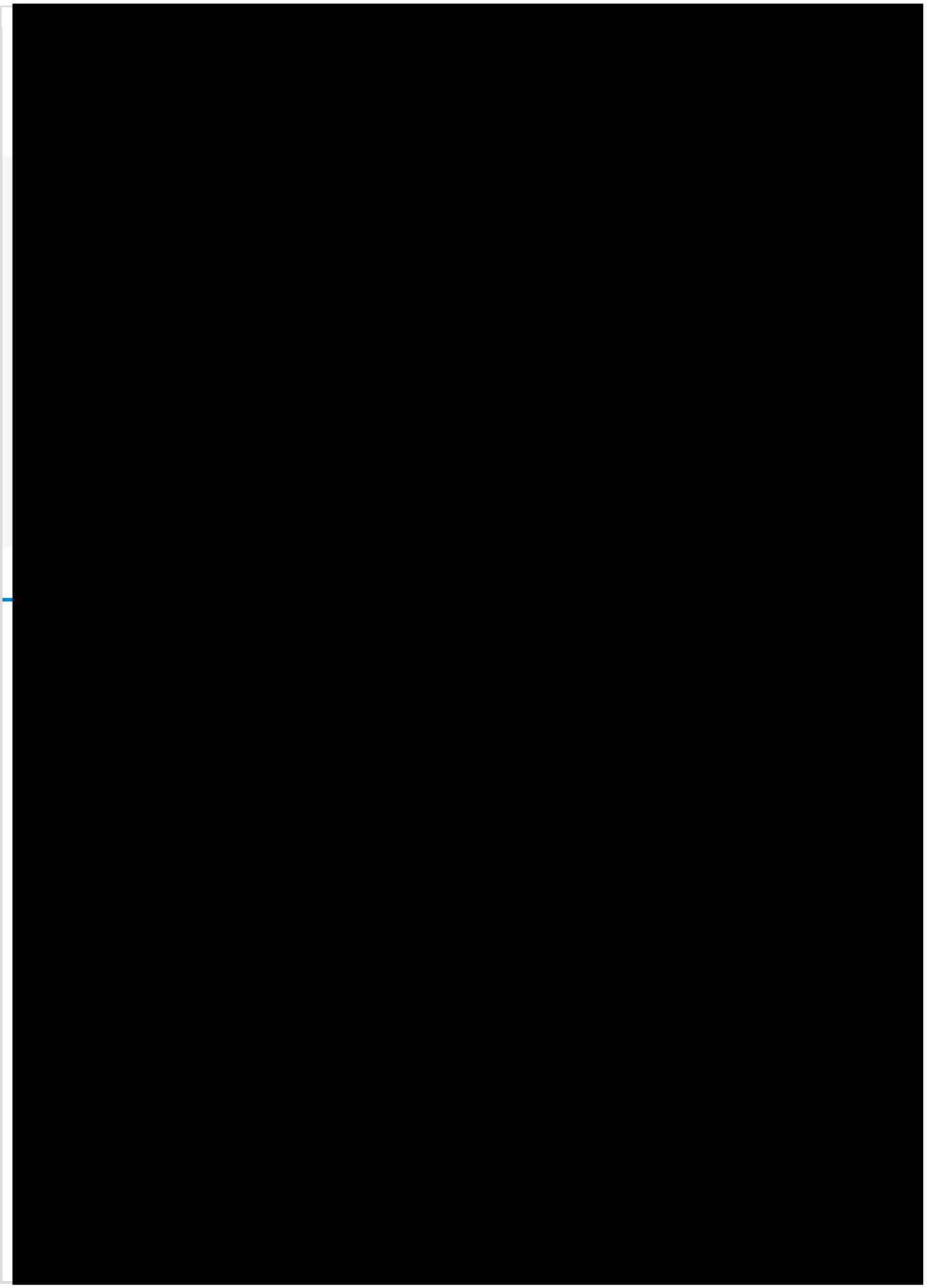

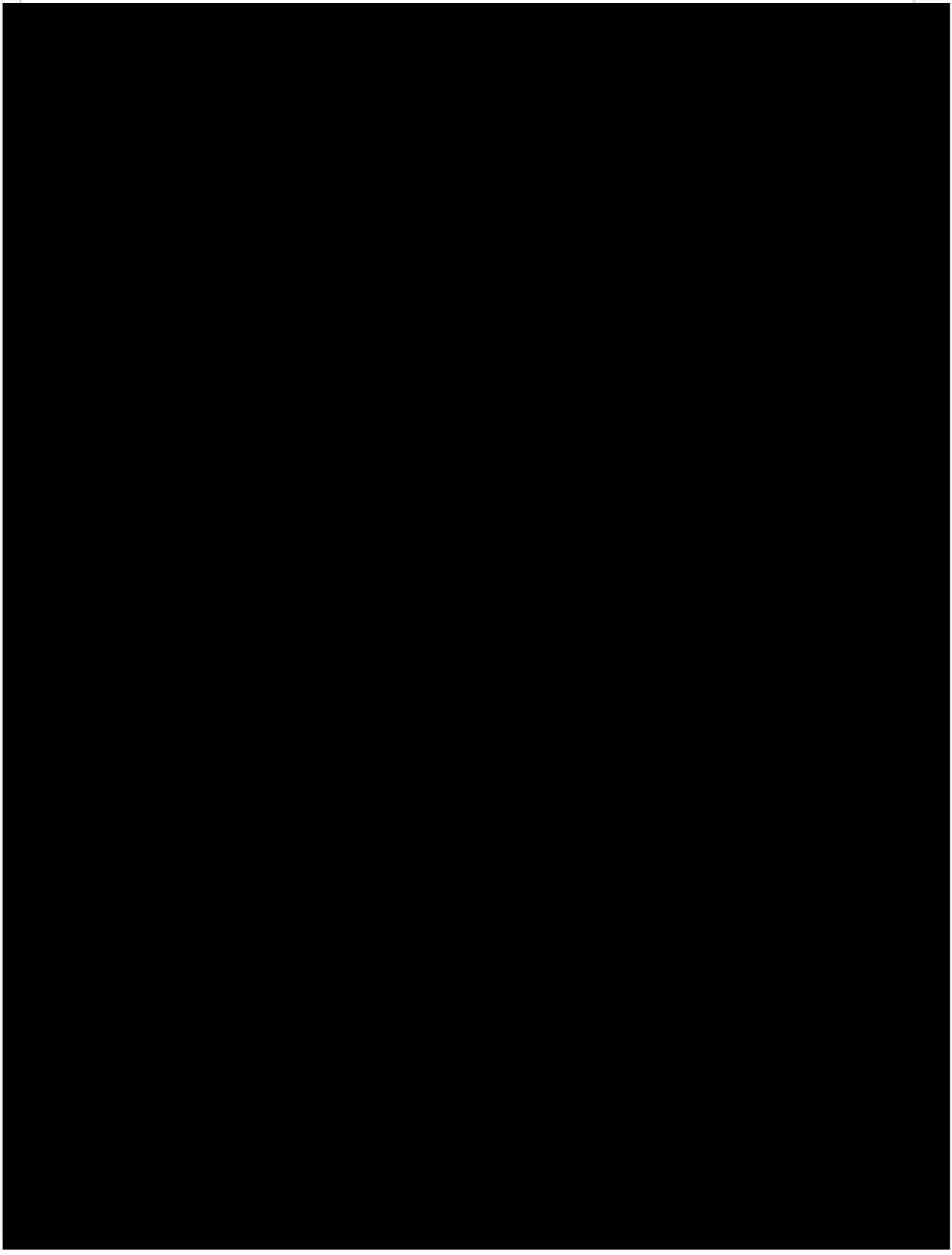

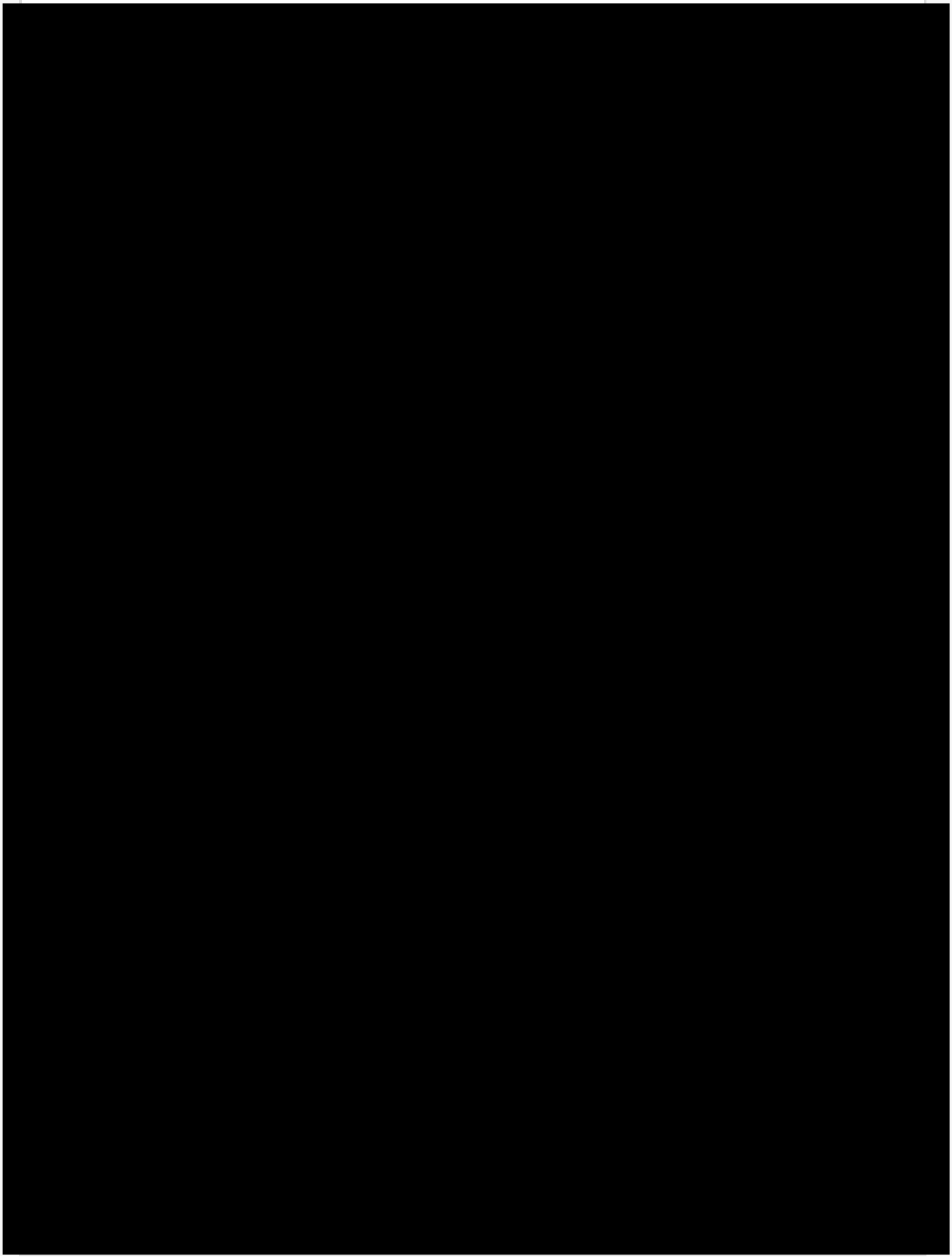

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:16 PM
To: linda.waskow@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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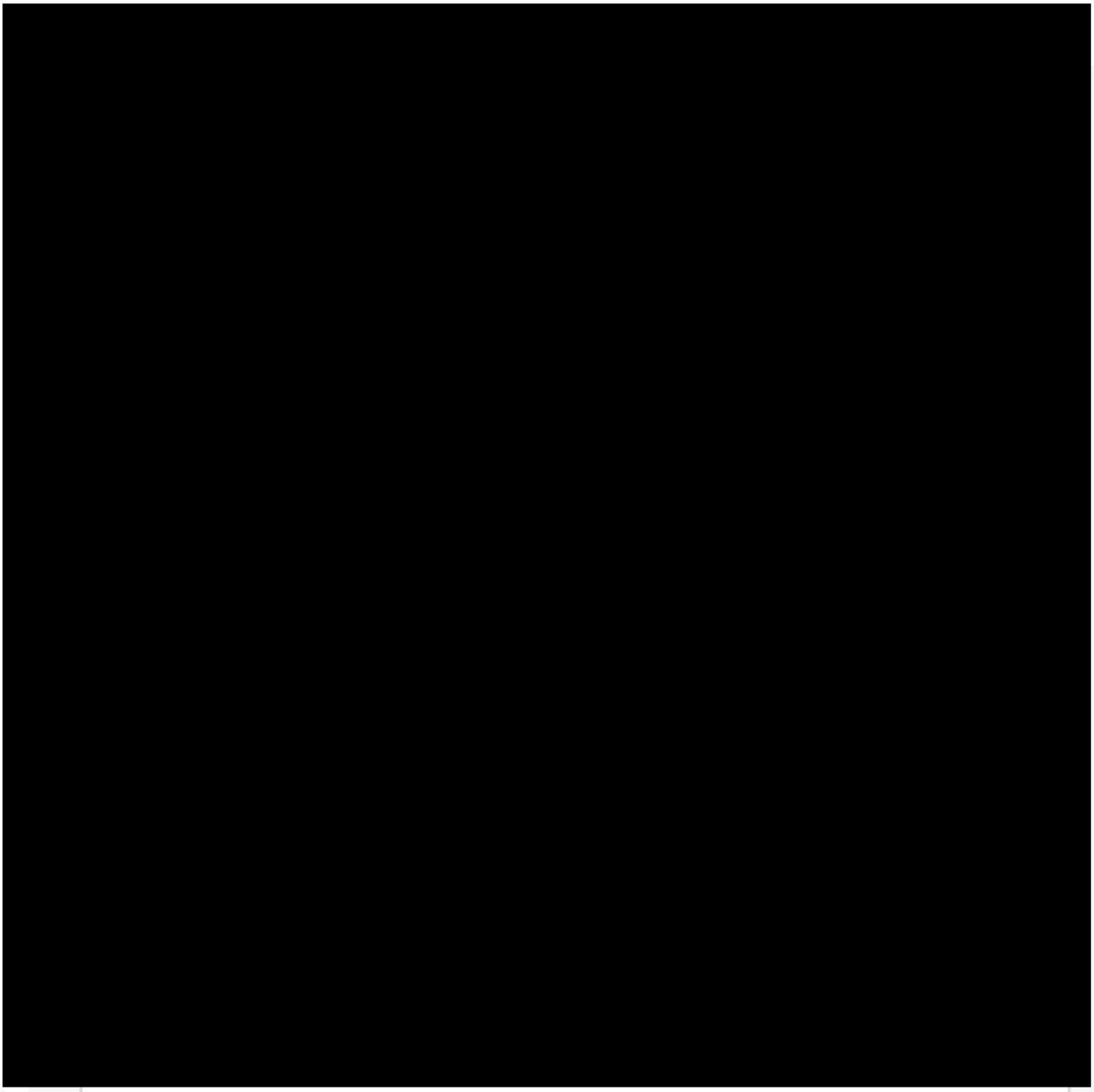

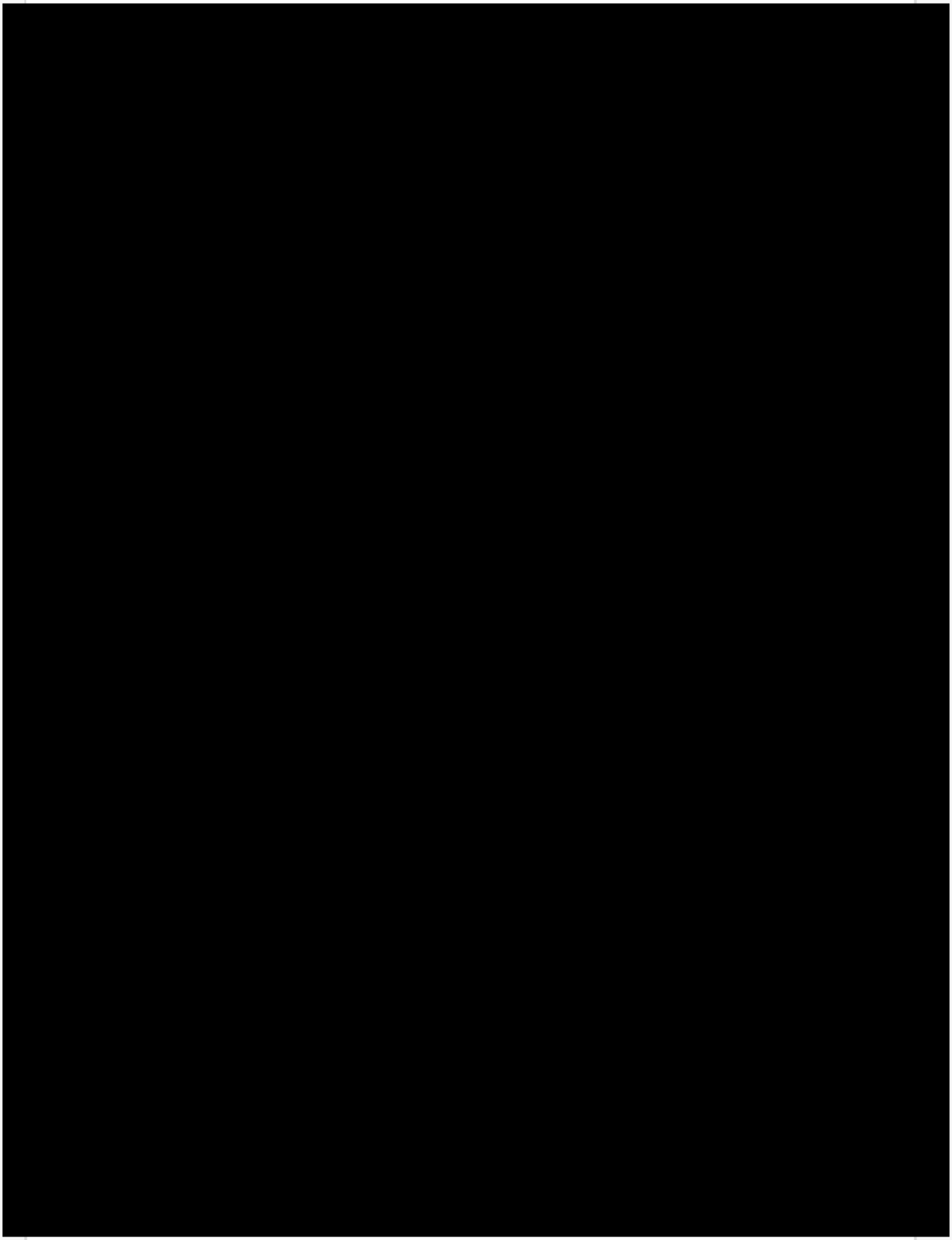

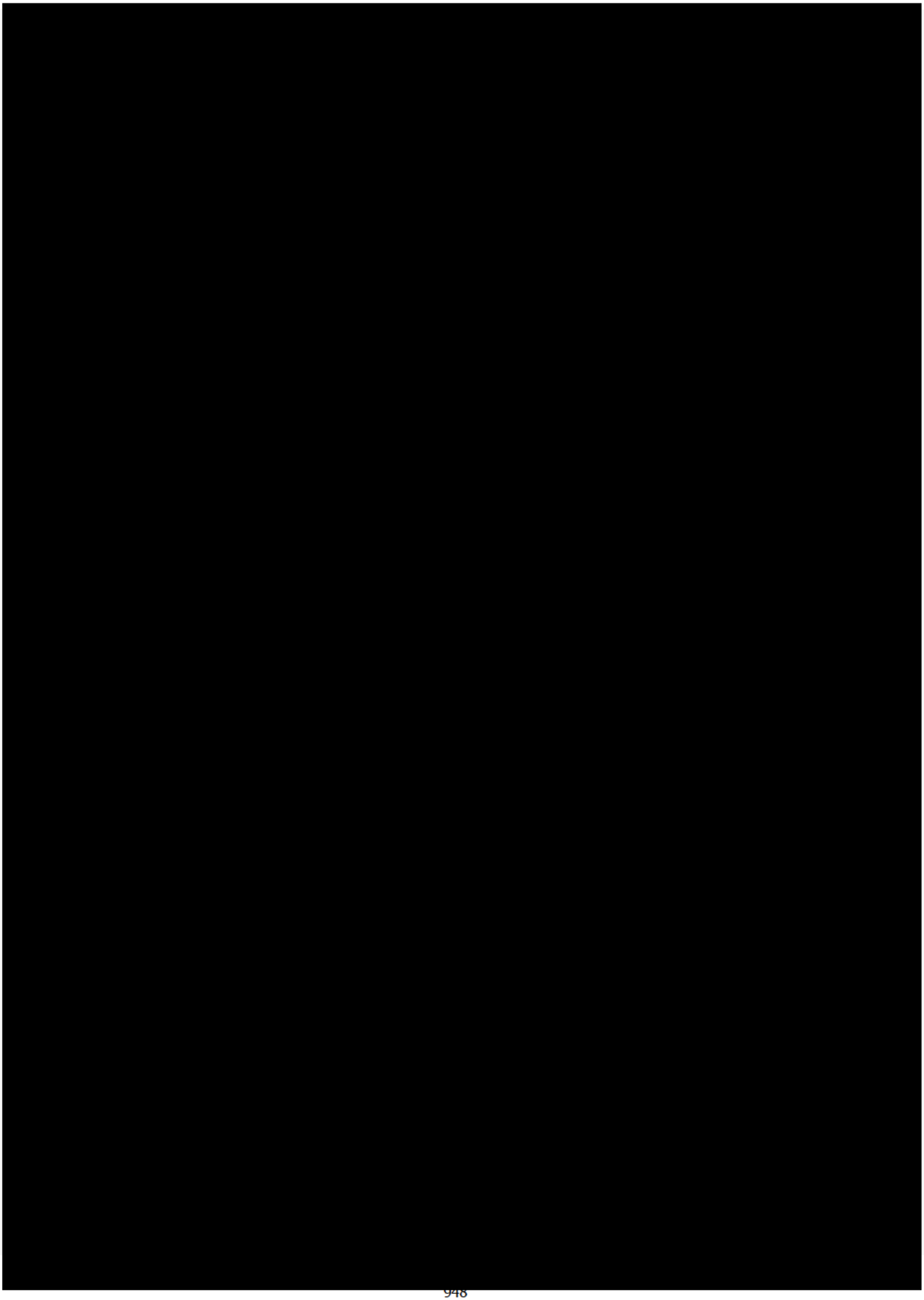



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To: bernateen.bibb@beaufort.k12.sc.us
Subject: School tech vetting problems persist

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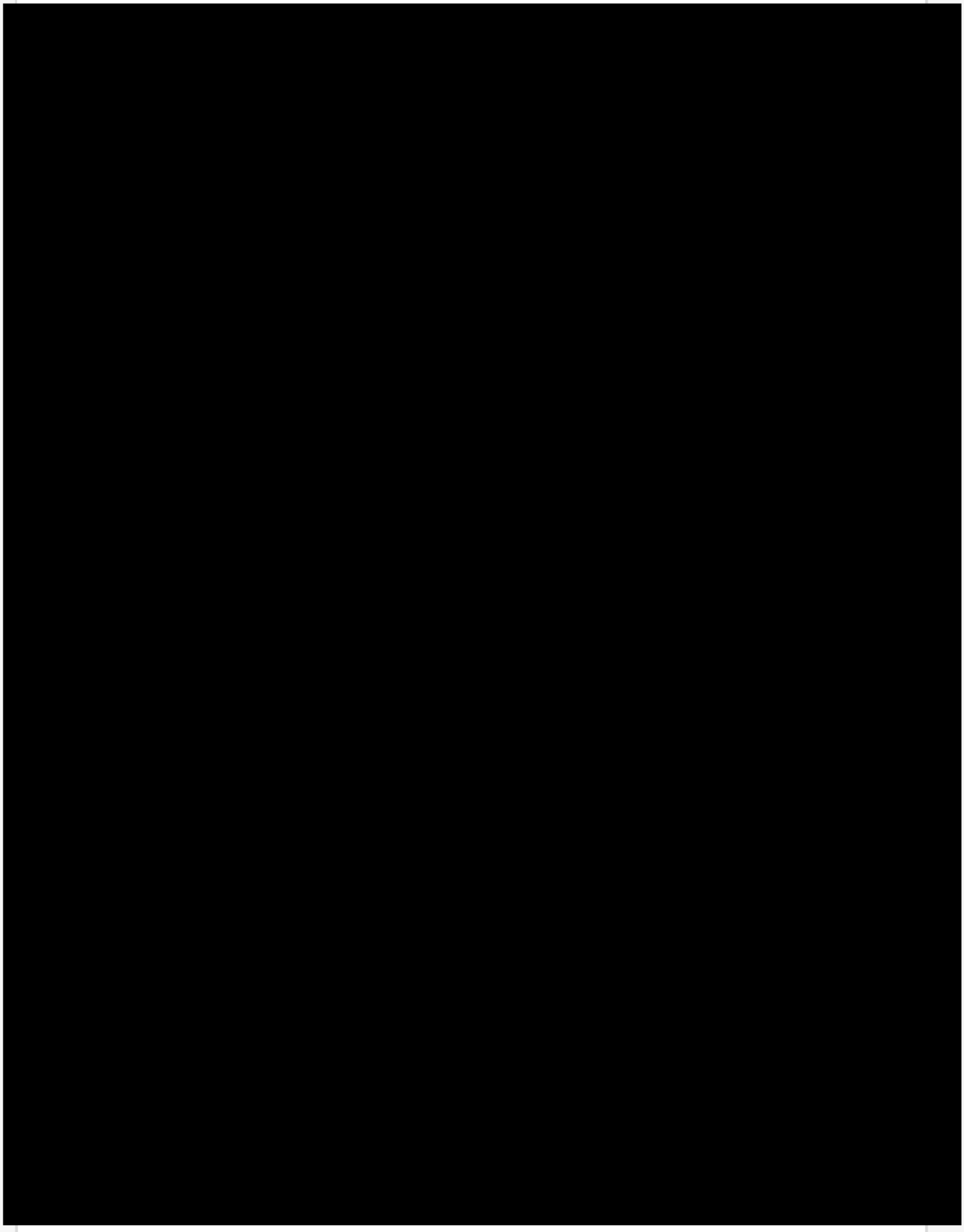

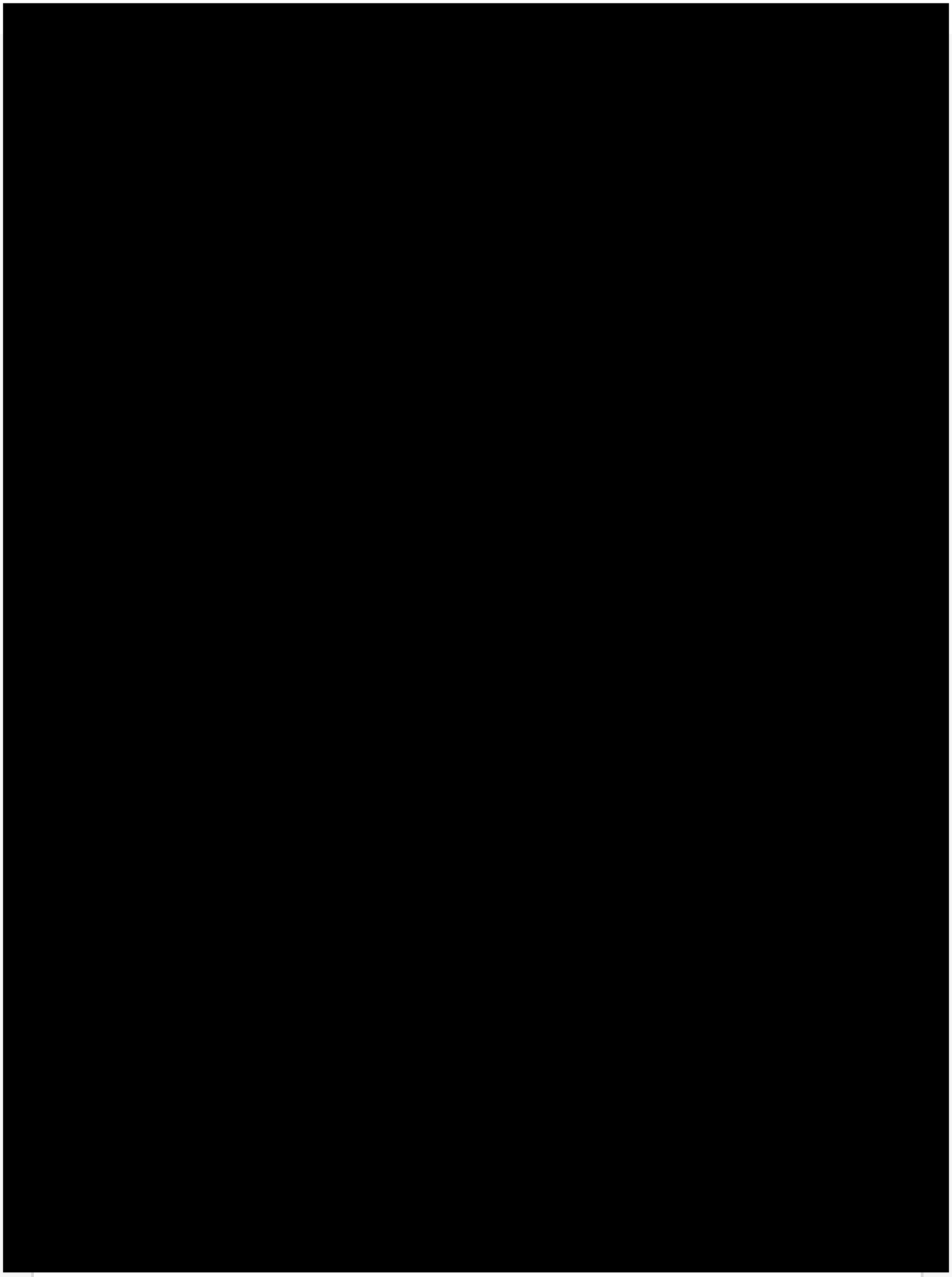

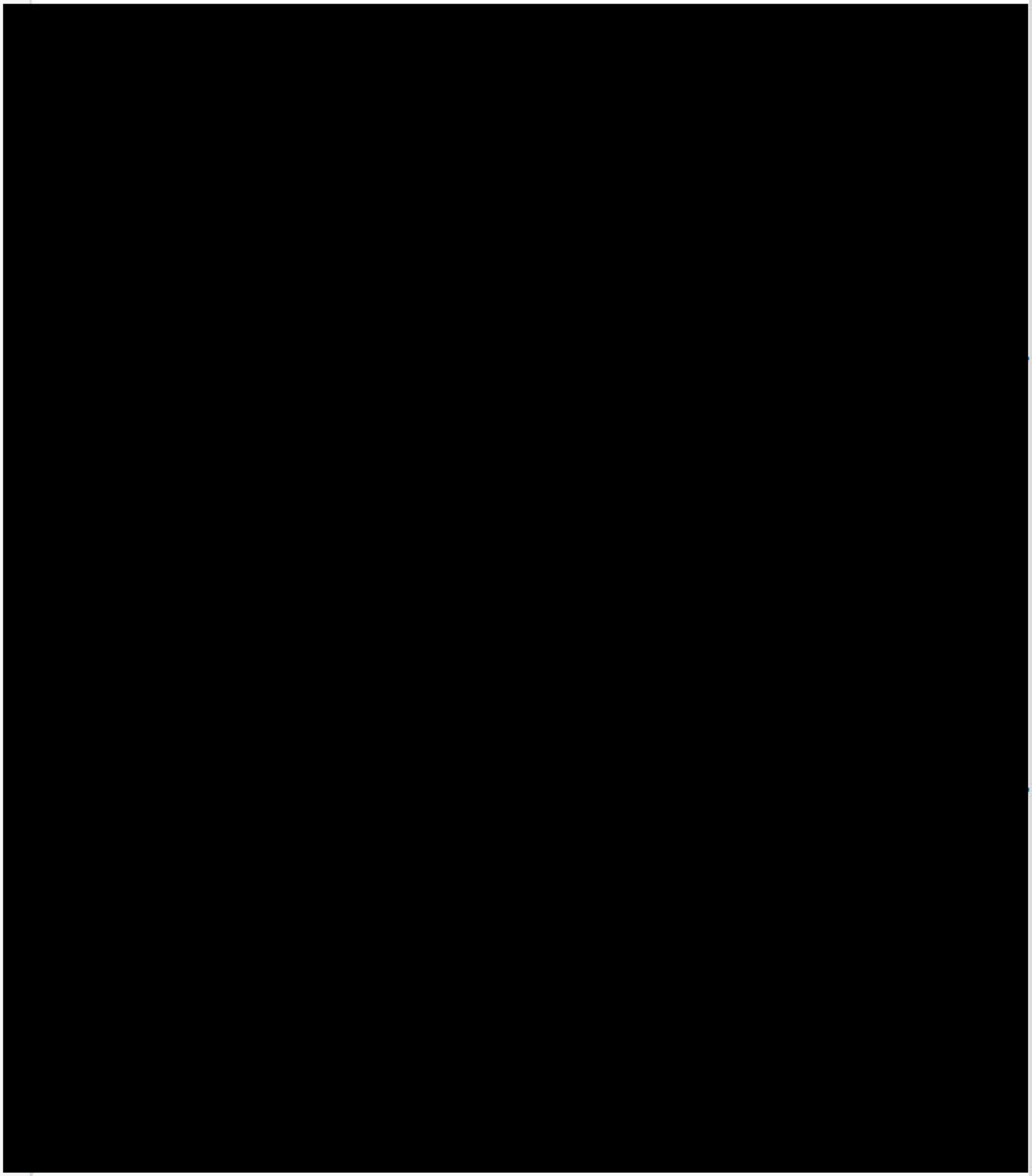

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From: SmartBrief on EdTech <edtech@smartbrief.com>
Sent: Friday, July 29, 2022 1:16 PM
To: catherine.crum@beaufort.k12.sc.us
Subject: Survey: 3rd-party tech poses risks for schools

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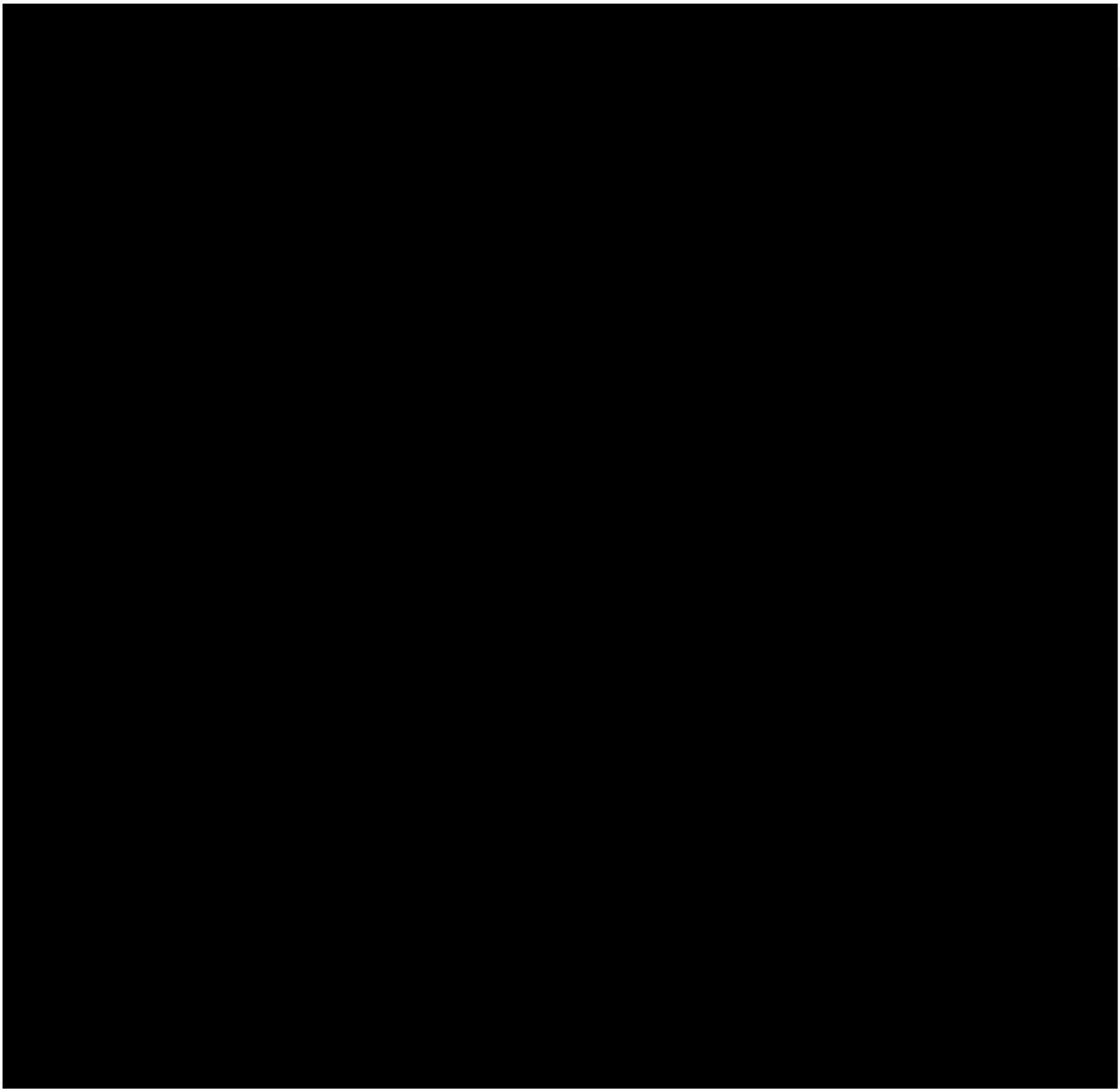

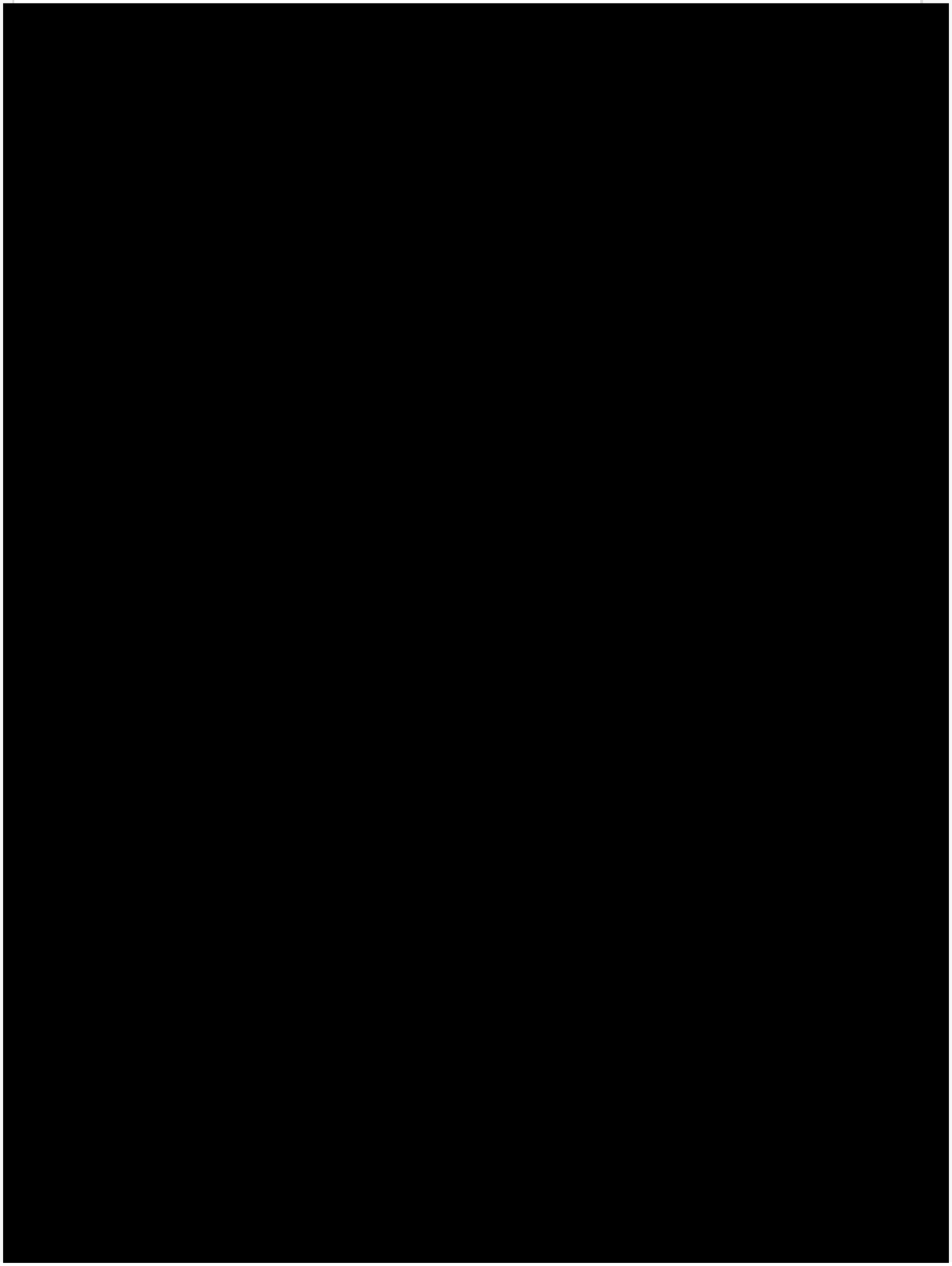

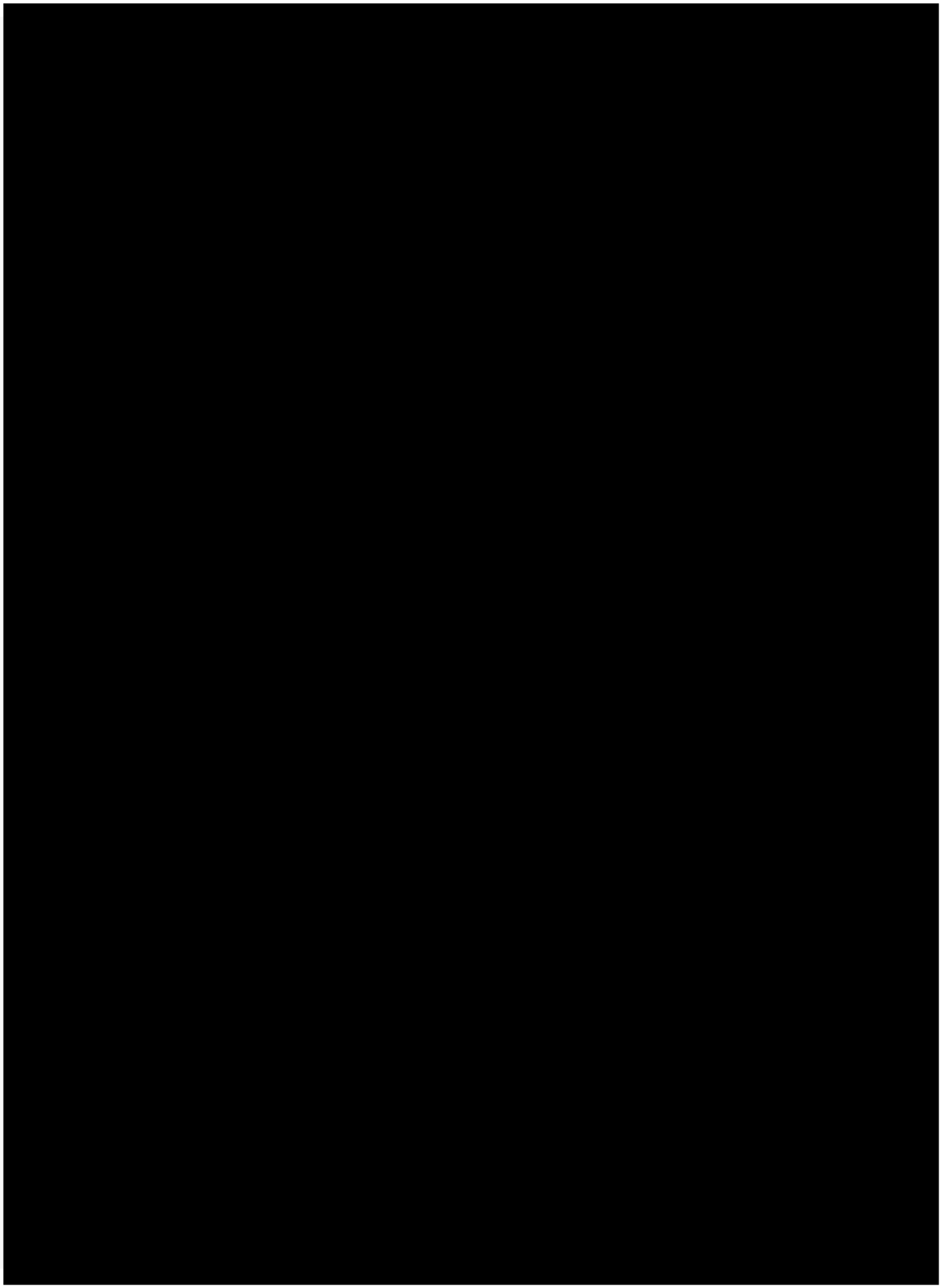



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From: SmartBrief on Special Education <specialed@smartbrief.com>
Sent: Friday, July 29, 2022 1:06 PM
To: Juanita.Murrell@Beaufort.k12.sc.us
Subject: Horse-riding program helps students build skills

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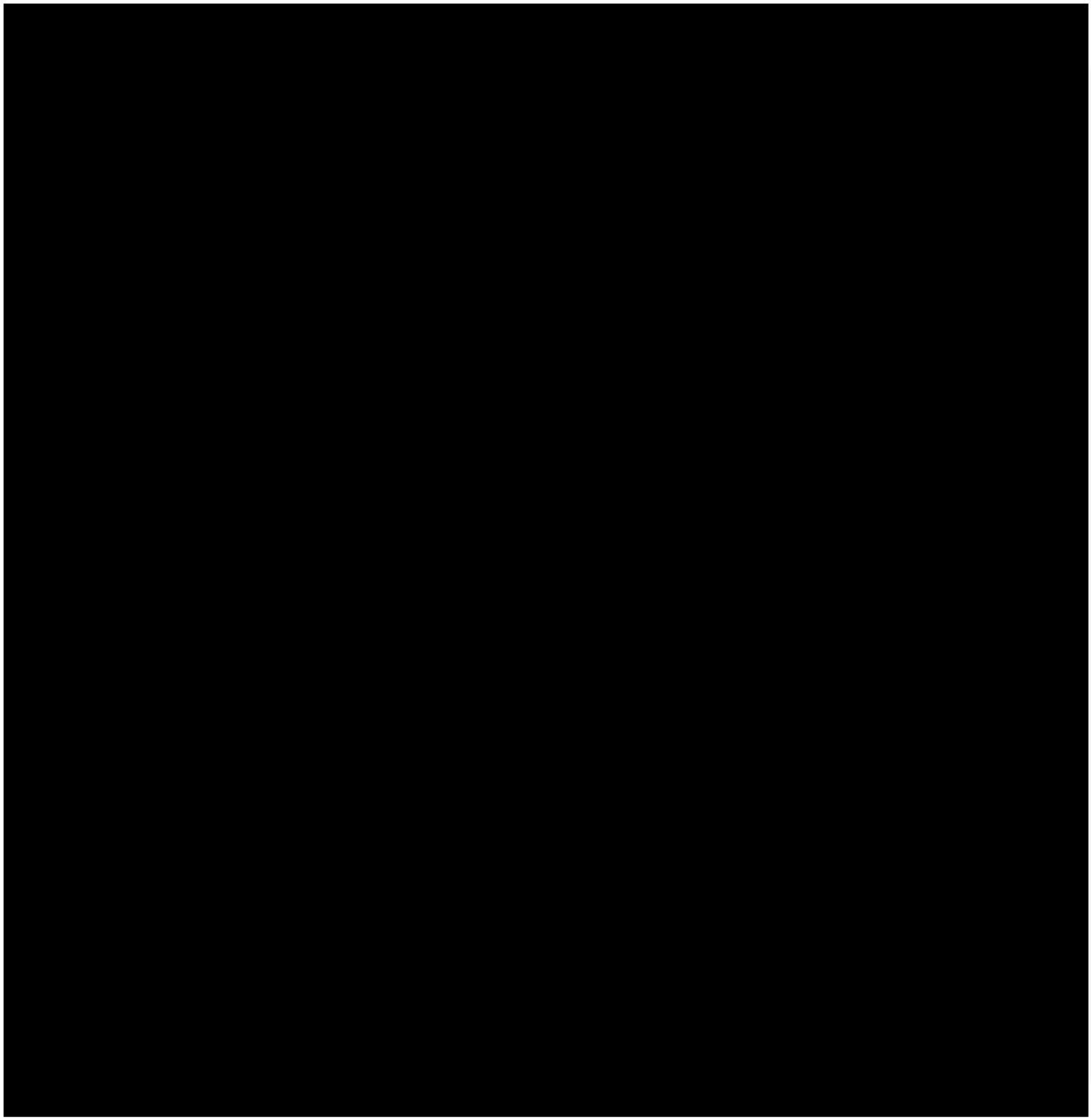

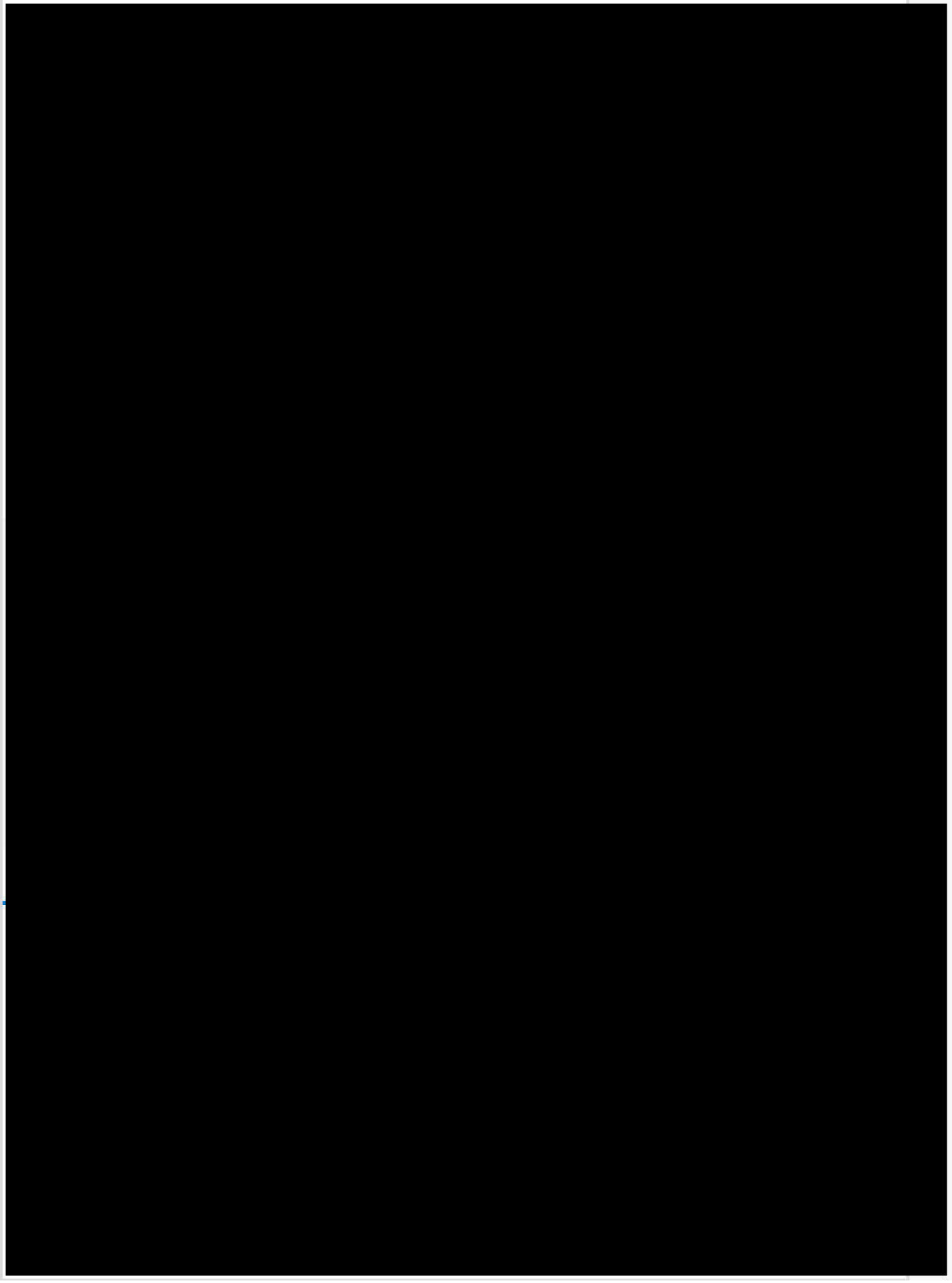

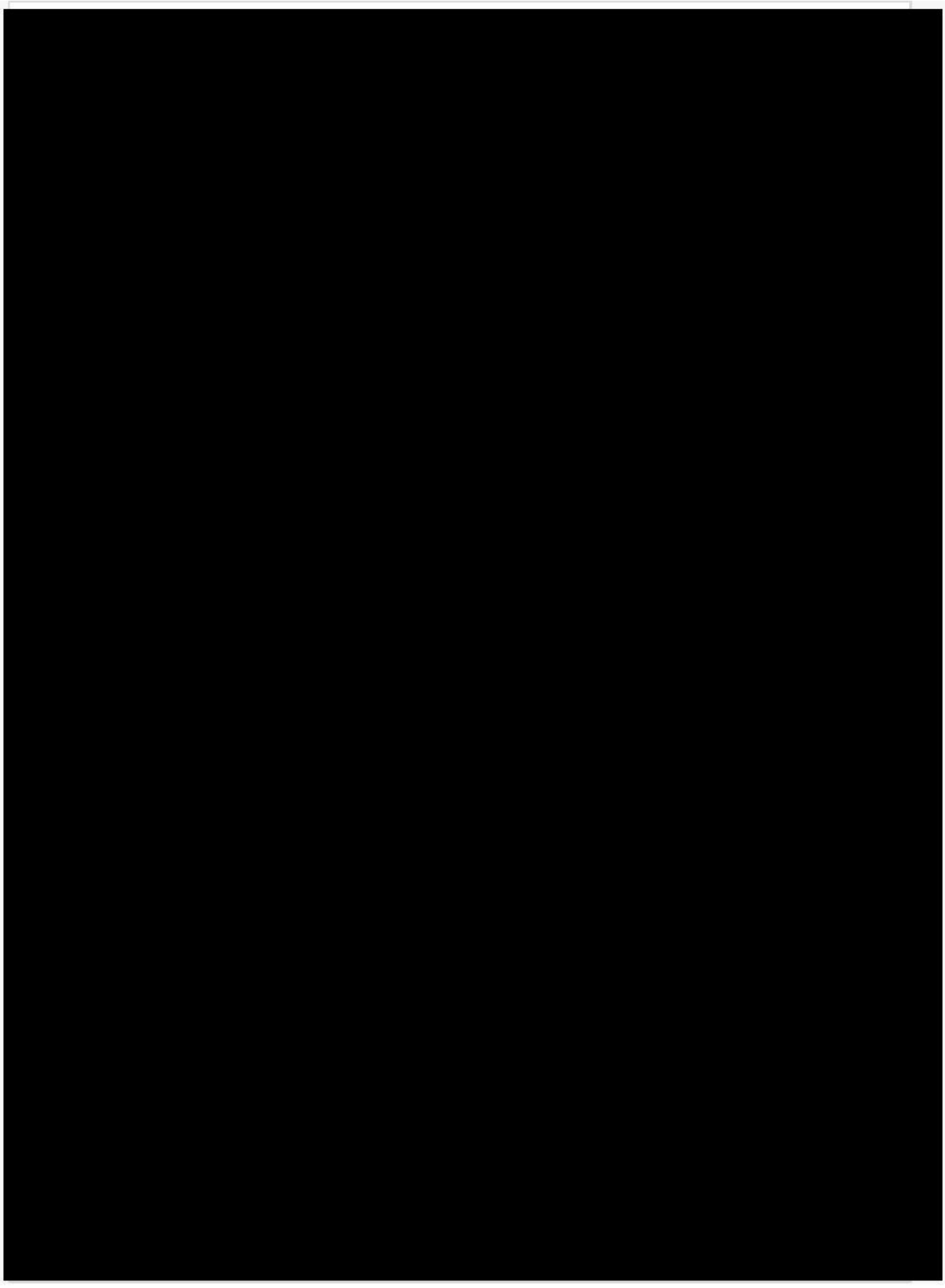



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From: ASHA Professional Development <ashaprofdev@asha.org>
Sent: Friday, June 17, 2022 12:54 PM
To: Wendy.walsh@beaufort.k12.sc.us
Subject: Is your practice inclusive and affirming?

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June is LGBTQ+ Pride Month. Learn how you can create a safe and inclusive care climate for LGBTQIA+ students, patients, and clients in this on demand webinar, available in the ASHA Learning Pass.

Building a Culturally Inclusive & Gender Affirming Space
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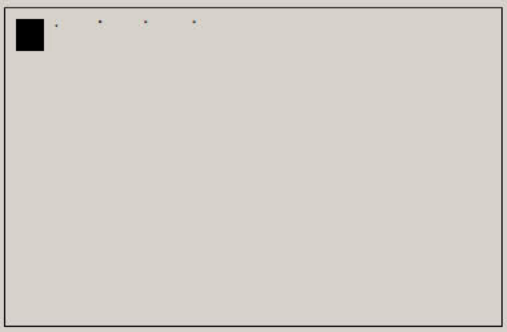
Learn how to provide culturally competent and inclusive care for gender diverse individuals. Explore **evidence-based practices**, knowledge building about **transgender and gender nonconforming identities**, and strategies for maintaining **safe spaces**. Access handouts you can use in your practice, including a **gender support plan** document and tips for **engaging in conversations** about the intersection of race and LGBTQIA+ identities. (Earn 0.2 ASHA CEUs.)



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Hear presenters Oneida Chi, MS, CCC-SLP; Rafael (Rafa) Brown Sampayo, BA; and Zavier Lord Williams, MS, CCC-SLP discuss key takeaways from the webinar.



Please make sure to visit the ASHA coronavirus resource pages to stay on top of all the latest resources and supports specific to issues related to COVID-19.

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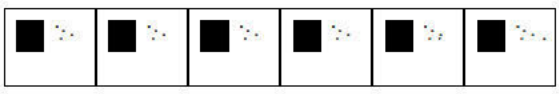

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From: ASHA Professional Development <ashaprofdev@asha.org>
Sent: Friday, June 10, 2022 11:44 AM
To: kelly.poisson@beaufort.k12.sc.us
Subject: Is your practice inclusive and affirming?

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June is Pride Month. Check out this month's featured course for tips on creating a safe and inclusive care climate for LGBTQIA+ students, patients, and clients.

[redacted]

Building a Culturally Inclusive & Gender Affirming Space
(On Demand Webinar)

[redacted]

Watch this on demand webinar to explore culturally competent and inclusive care for gender diverse individuals. Explore **evidence-based practices**, knowledge building about **transgender and gender nonconforming identities**, and strategies for maintaining **safe spaces**. Access handouts you can use in your practice, including a **gender support plan** document and tips for **engaging in conversations** about the intersection of race and LGBTQIA+ identities. (Earn 0.2 ASHA CEUs.)

Find more courses on providing culturally responsive care, or browse the full Learning Pass catalog to find your next course.



What Will You Learn?

Hear presenters Oneida Chi, MS, CCC-SLP; Rafael (Rafa) Brown Sampayo, BA; and Zavier Lord Williams, MS, CCC-SLP discuss key takeaways from the webinar.

-

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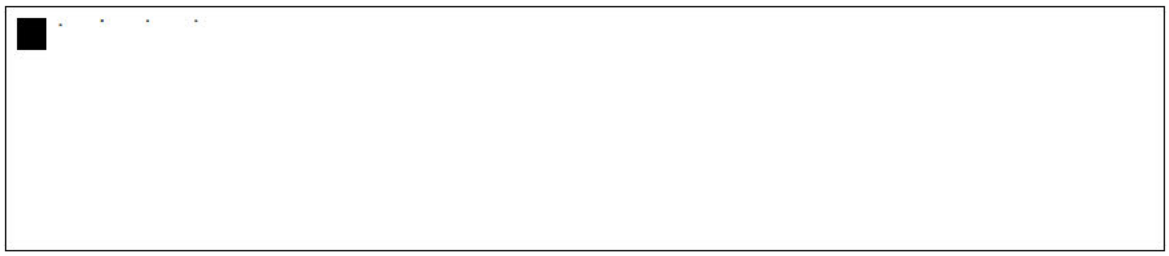

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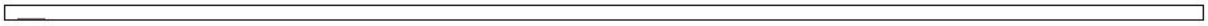

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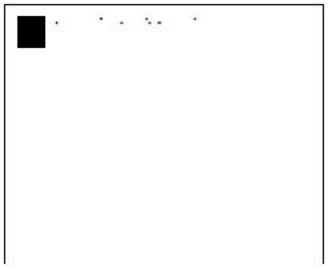

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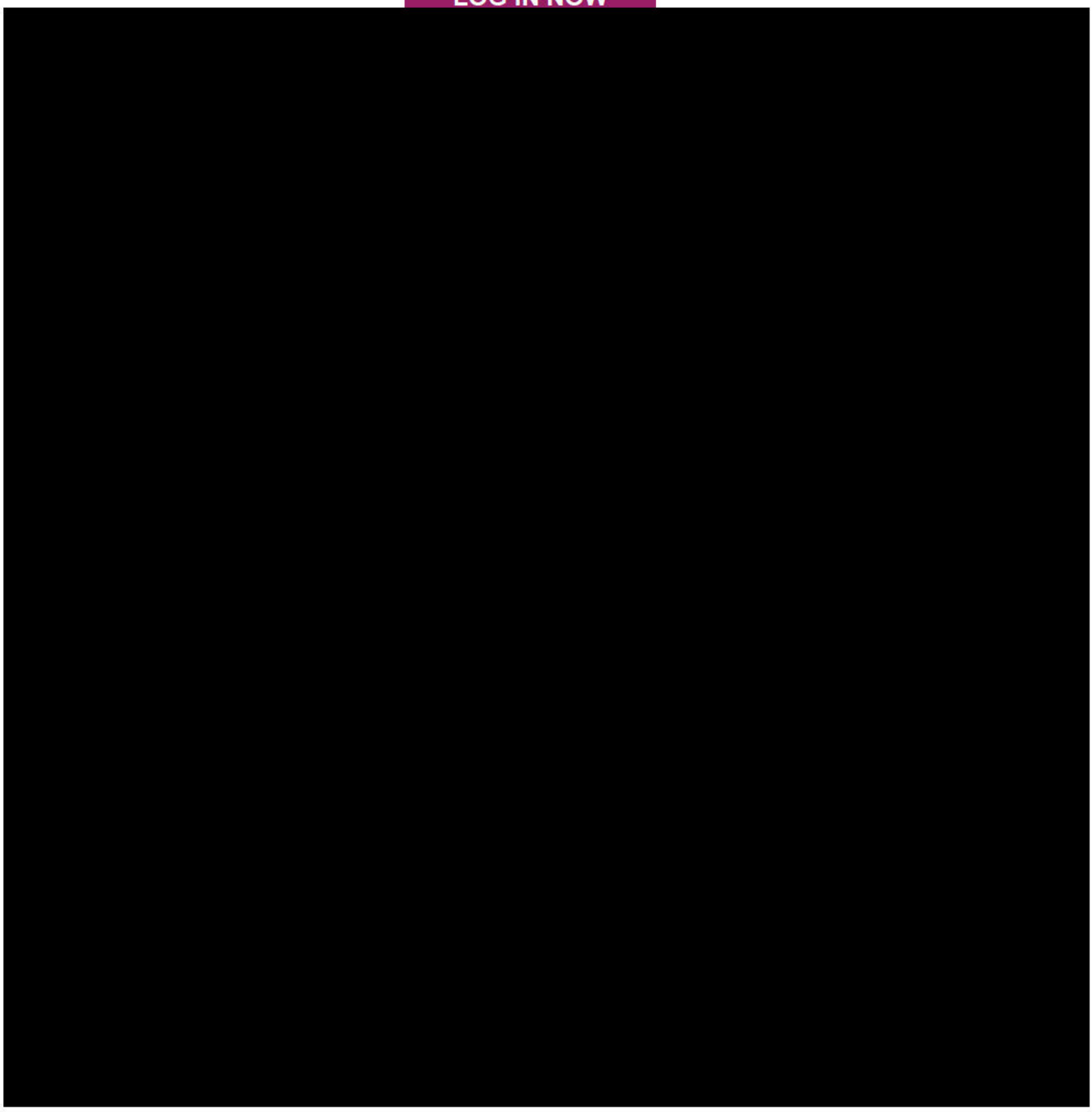

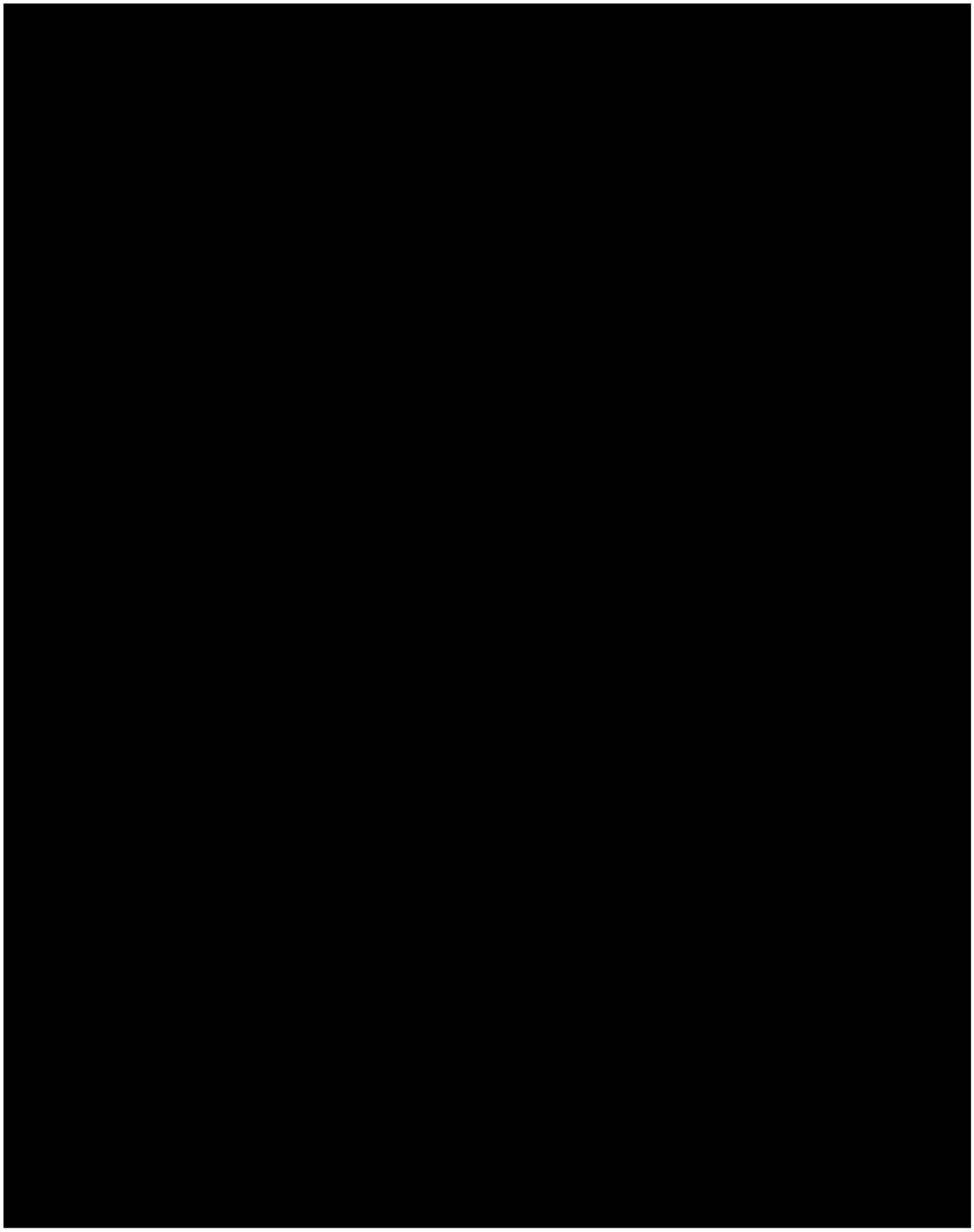

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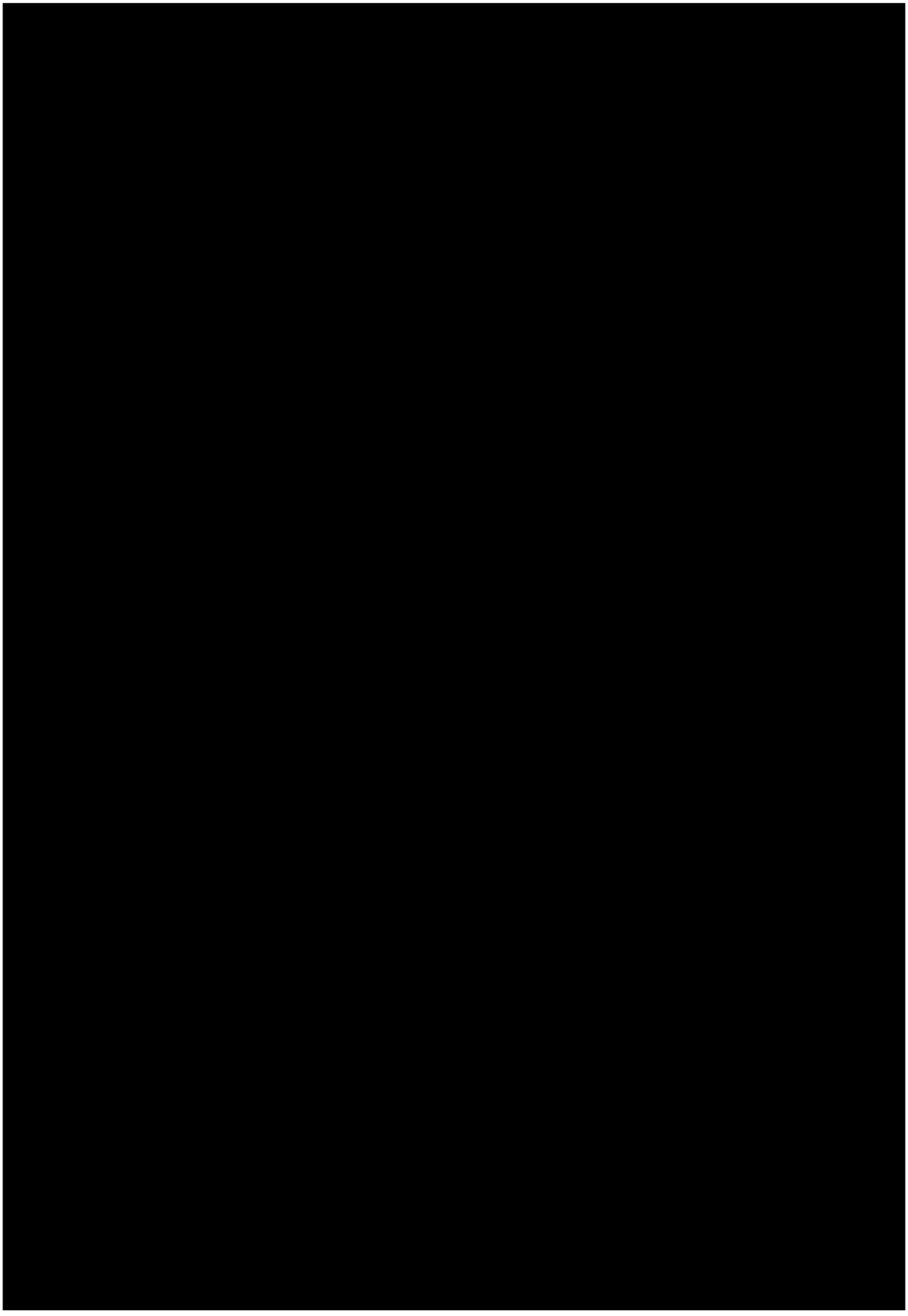

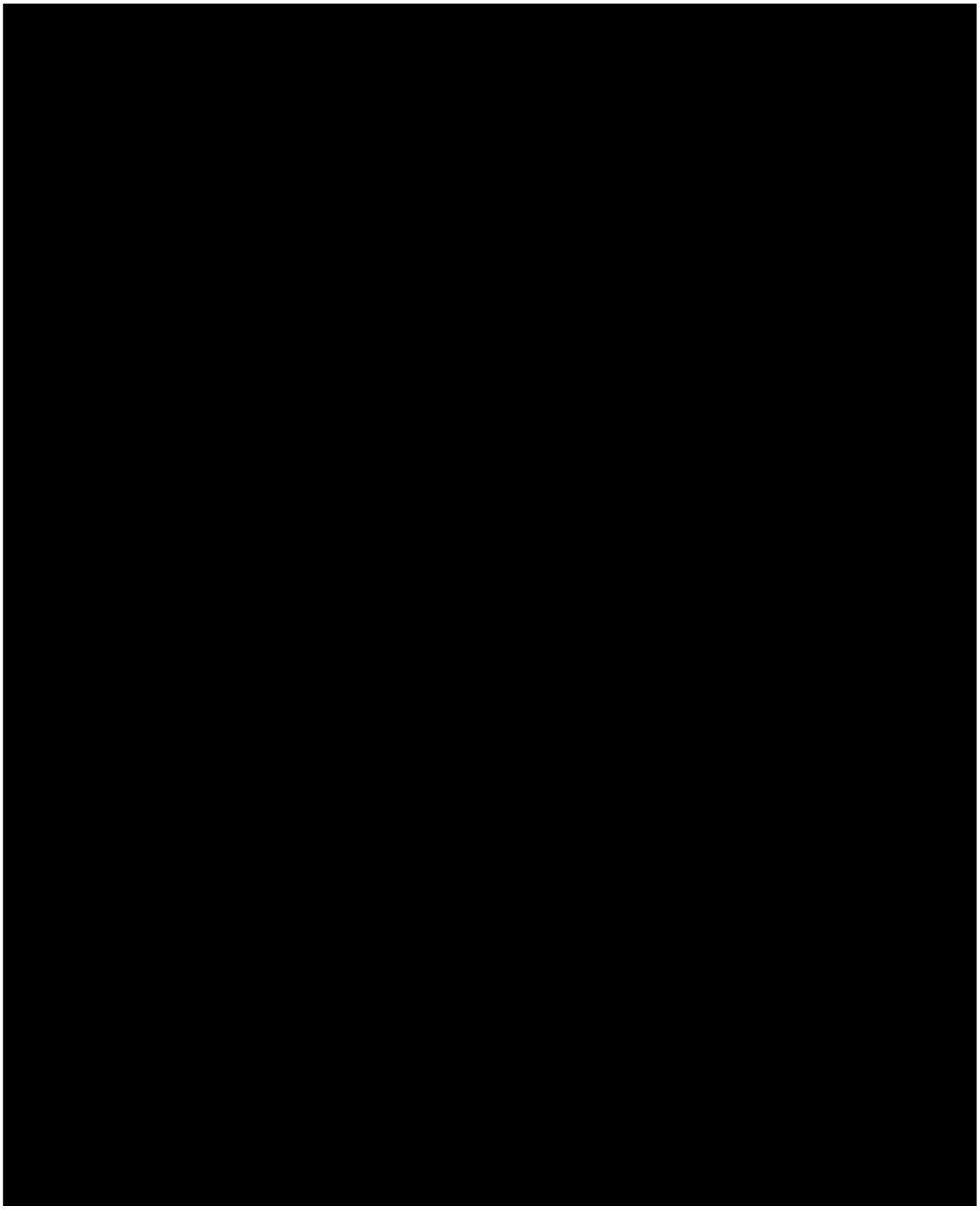

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From: editor@alert.patriotvaluesdefense.com on behalf of Harmeet Dhillon <editor@alert.patriotvaluesdefense.com>
Sent: Tuesday, May 24, 2022 2:17 PM
To: aliseda0905@beaufortschools.org
Subject: What Laura Ingraham said



Dear Fellow Conservative,

Radical activist teachers brainwashed a 12-year-old girl to think she's a "boy" and hid it from her mother...

So, we're dragging the teachers and school into court to make them pay for their disgusting actions and stop this from happening to other children.

But to win this critical case I need your help today. That is why I'm asking you to join me by donating to make sure these radical teachers can't brainwash any more children.

In case you missed the details of our case when I announced it with Laura Ingraham on her great **Fox News** show **The Ingraham Angle** let me recap it for you.

One day Jessica Konen, a mother of a young 12-year-old girl in middle school was called in and told by the school that her daughter was now a "boy."

What she found out was that over the past several months teachers indoctrinated her sixth-grade daughter into believing she was transgender and bisexual.

Her daughter didn't even know what those two words meant until these sick activist teachers infected her daughter with their twisted beliefs...

The teachers recruited Jessica's daughter to join their "Equality Club" where

she was told she may be transgender and bisexual.

The teachers then helped her to create a totally new identity with new names, new pronouns and had her use a different bathroom.

They even created a "Gender Support Plan" for her and instructed the faculty to use her new male name and pronouns -- ALL without her mother's knowledge.

And worse than that -- **these radical teachers told Jessica's daughter NOT to tell her mom because she couldn't be "trusted."**

The actions of these teachers and the school are sickening...

They intentionally hid their radical indoctrination from Jessica -- even though the Supreme Court has consistently ruled that parents have the right to control their children's education.

Left-wing activist teachers, administrators and schools are out-of-control...

It's disgusting. It's awful. And we have to stop them.

That's why I'm asking for your help today.

Will you join me to make these Left-wing activist teachers and the school pay for their illegal actions?

You see, we are suing the school AND the teachers for their illegal actions...

Because the only way we're going to stop these activist teachers and administrators is to drag them into court.

The fact is that we have no idea how many other children this is happening to across the country -- Jessica's daughter is just one example.

We know the California Department of Education and the teachers' associations train schools and teachers to keep secrets from parents...

Who knows how many other young children are being poisoned?

Left-wing radicals are using our classrooms to brainwash our children and grandchildren with their sick-and-twisted views.

And we have an opportunity to stop it.

This lawsuit puts every single activist teacher, administrator and school on notice -- if you mess with our children, **we will see you in court!**

They should be teaching our children math, reading and history -- not pushing them to become transgender or bisexual.

But, to stop this from happening -- we need to win this case...

That's why I'm asking for your help immediately today.

Will you please step up and make a generous donation to help us drag these radical activists to court?

And please know here at the Center for American Liberty we don't just file lawsuits -- we **WIN** them!!

My name is Harmeet Dhillon and you may recognize me from my numerous appearances on **Newsmax** and **Fox News** with **Laura Ingraham**, **Tucker Carlson**, **Shannon Bream** and **Fox and Friends.**

I've been on a lot talking about our numerous legal battles and victories against the radical Left.

We've already won three major victories for religious liberty before the U.S. Supreme Court.

We're also taking the fight to big tech and the politicians who are conspiring to silence and destroy conservatives...

But this case to stop activist teachers from corrupting and hurting our children and grandchildren is so important -- it's one we cannot afford to lose.

That's why, I'm asking if you can give today -- $35, $50, $100, $250 or more. I will use it to protect our children and grandchildren from the radical Left.

So, the next time a radical teacher wants to poison another child with their sick beliefs they'll know that we're watching and are ready to drag them into court...

That is the only way we're going to stop them -- they have to fear the consequences of their actions!

With your help, we'll hold these teachers accountable for brainwashing and grooming their young students- and we'll put all radical leftist teachers on notice that they won't get away with their plot to indoctrinate our kids and erase our parental rights.

Thank you in advance for your support.

God Bless,



Harmeet K. Dhillon
Founder & CEO, The Center for American Liberty

P.S. Radical activist teachers in California tricked a 12-year-old girl into believing she was transgender and bisexual.

They helped her change into a "boy" with a new identity a new name and new pronouns **-- and told her to hide it from her mother.**

Now we're dragging these activist teachers and the school into court to pay for their abuse of her young daughter, and I need your help to win.

That's why I'm asking you to give an emergency tax-deductible donation of $20, $35, $50, $100, $250 to stop these radical liberals from poisoning our children.

We must win this case and put every single Left-wing teacher and school on notice -- if you infect our children with your radical values we will drag you into court too!



Please consider supporting our efforts to defend our Constitution with a donation today.

The Center For American Liberty is a 501(c)(3) charitable organization created to fight against growing anti-free-speech and anti-civil liberties trends.

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From: editor@alert.republicantaskforce.com on behalf of Harmeet Dhillon <editor@alert.republicantaskforce.com>
Sent: Monday, May 23, 2022 4:49 PM
To: aliseda0905@beaufortschools.org
Subject: What Laura Ingraham said



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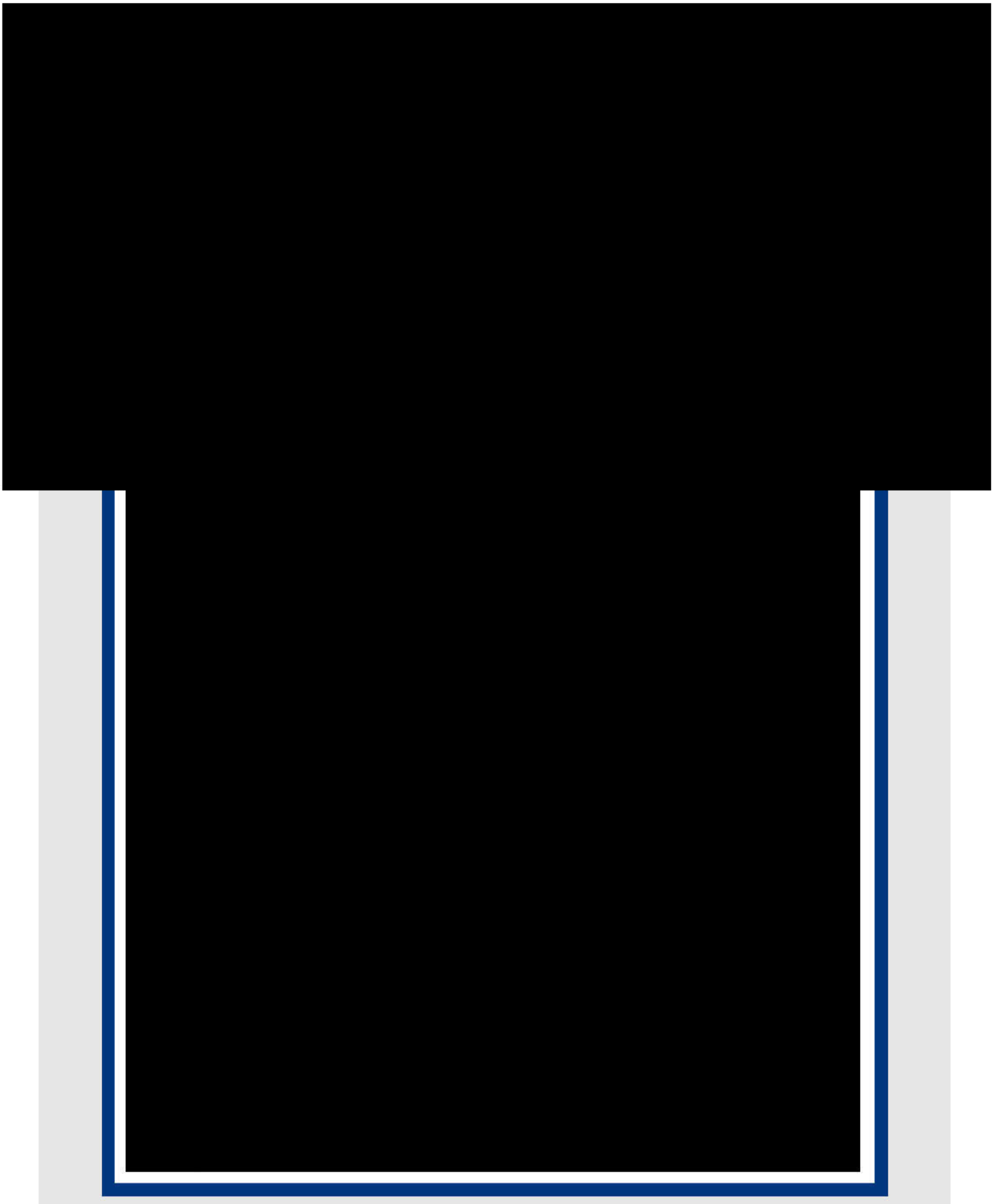

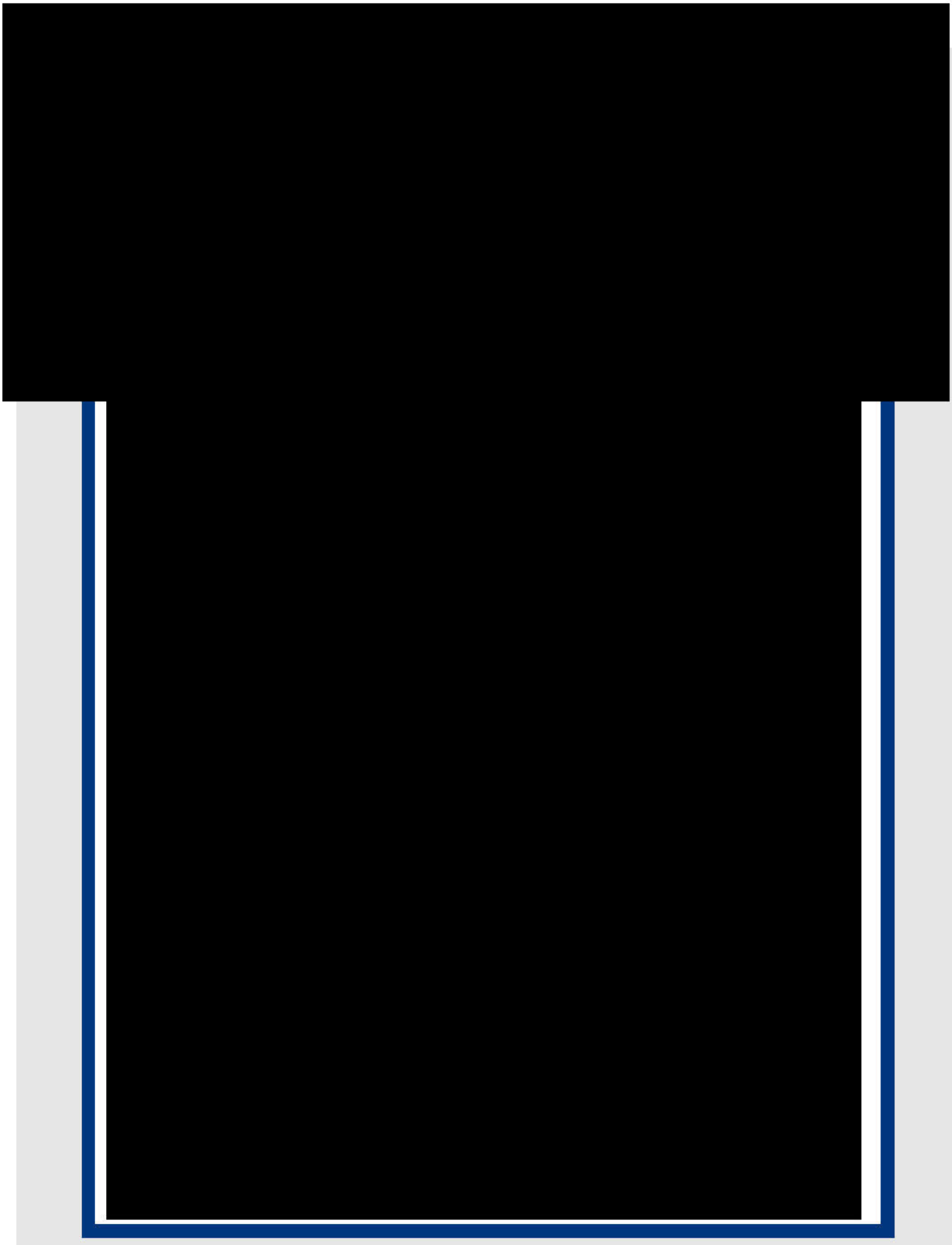



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Sent by randrews@schoolnurse.com

From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Wednesday, April 13, 2022 12:31 AM
To: arriel.young@beaufort.k12.sc.us
Subject: Open Forum Digest for Tuesday April 12, 2022

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Open Forum

Post New Message

Apr 12, 2022

Discussions

[redacted]

Gender non-conforming student moving on to HS

7. Does the high school have some sort of GSA? If... Roxanne Harmon
8. Hi Andrea, It may be helpful to look over... Angélique Gravely

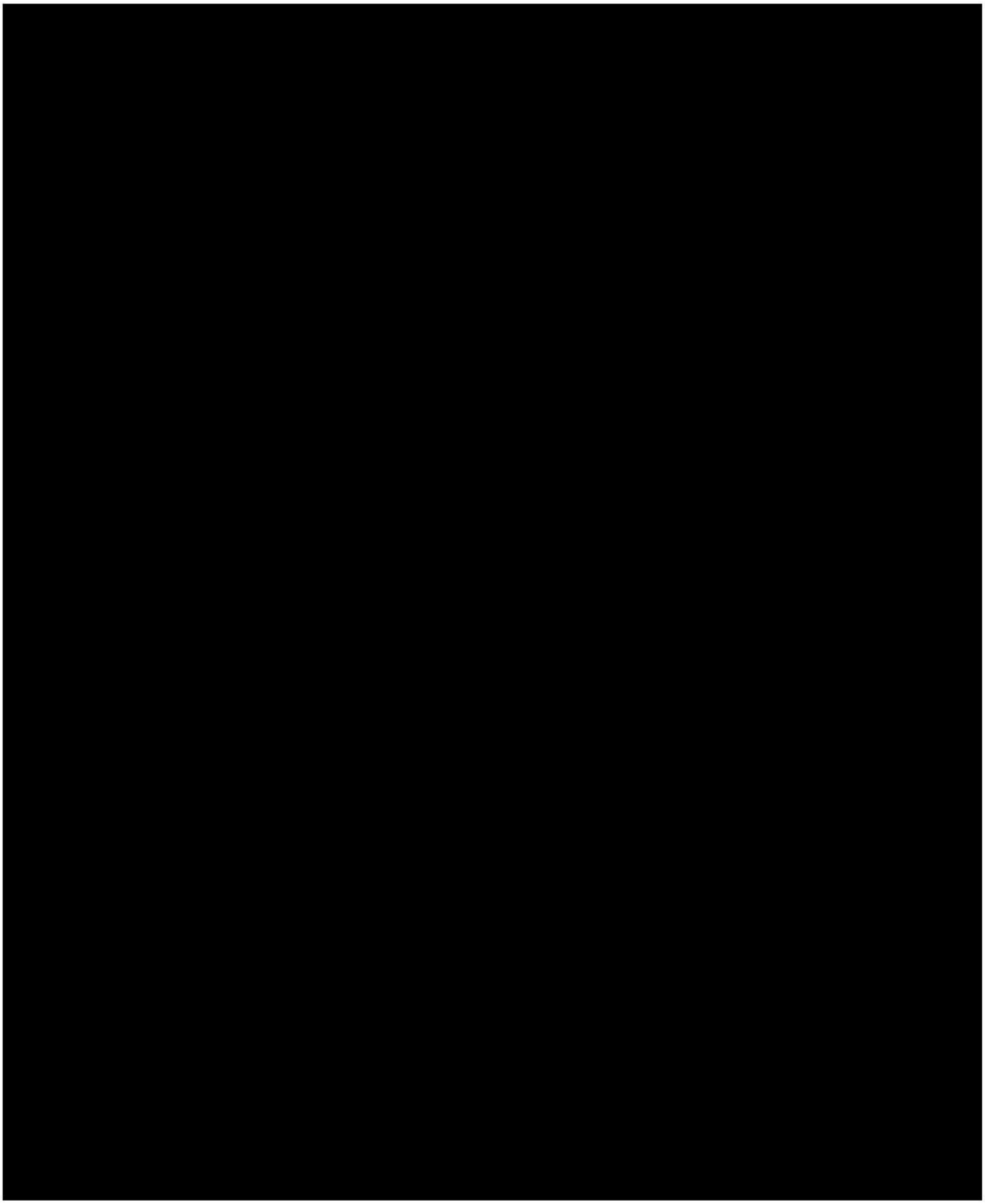
[redacted]

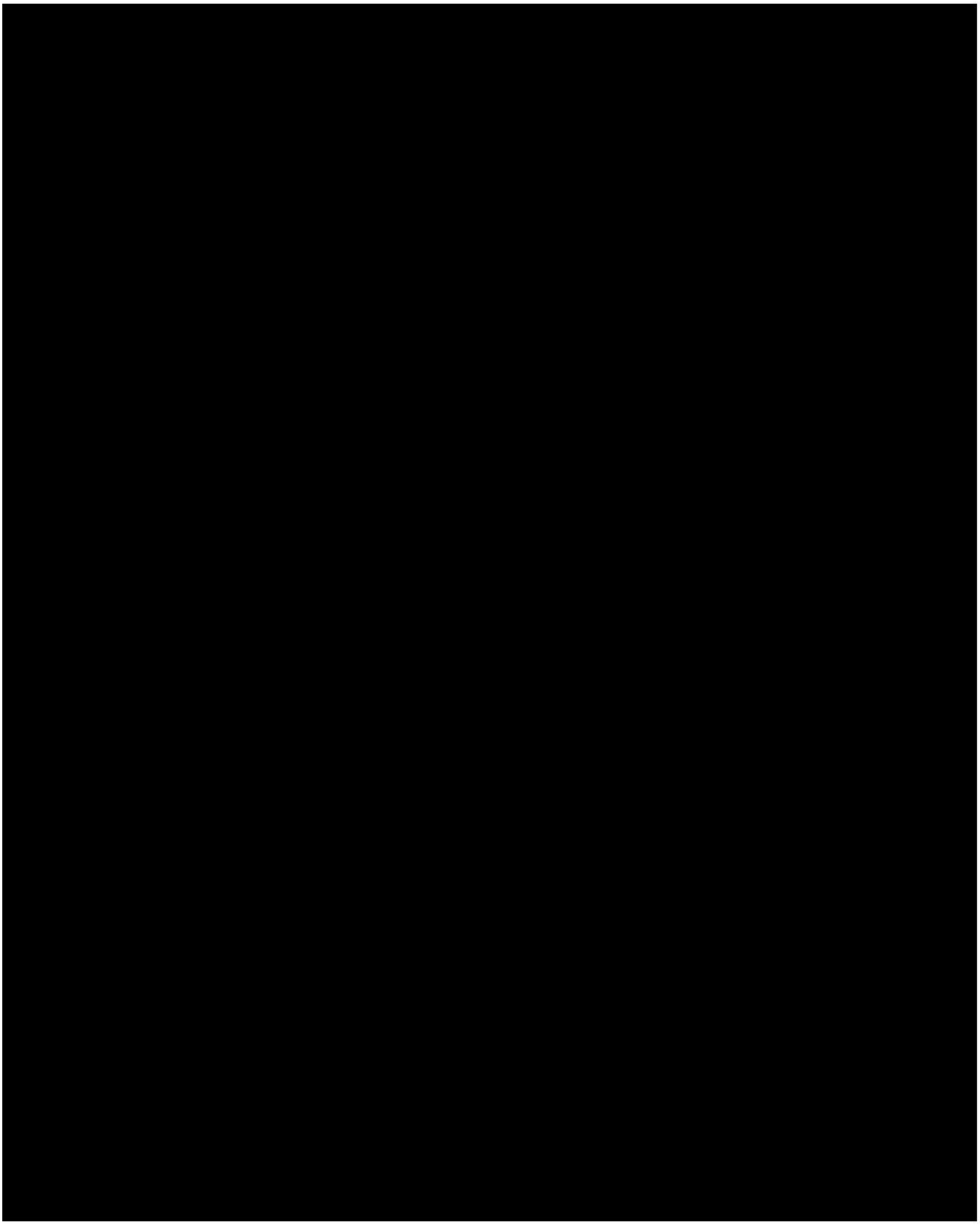


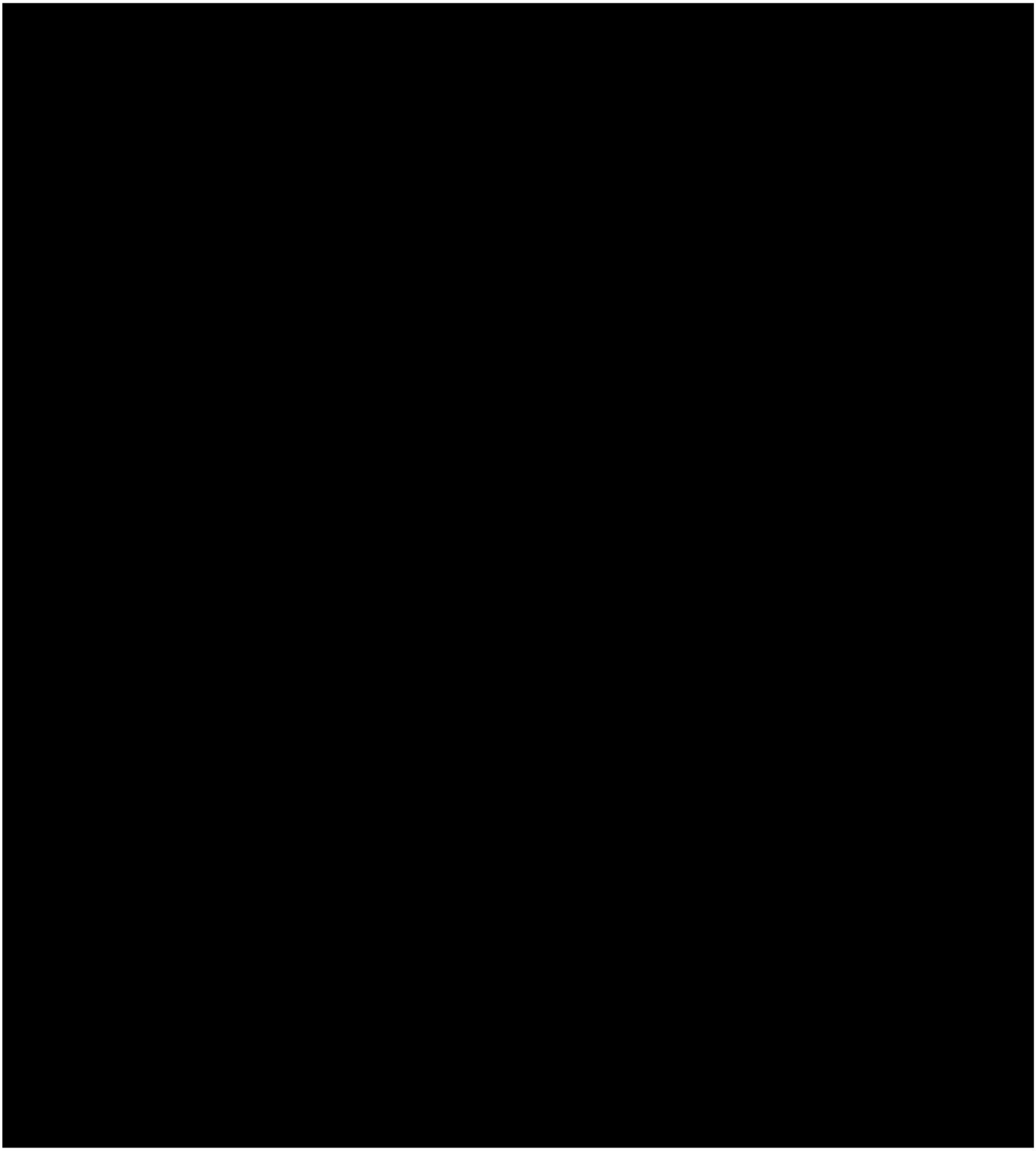












7. Re: Gender non-conforming student moving on to HS

Reply to Group | Reply to Sender



Apr 12, 2022 8:08 AM
Roxanne Harmon

Does the high school have some sort of GSA? If they do it could be a great way to have them connect to other queer teens who may have had to already go through the process of letting teachers know about correct name and pronouns. This would also allow them to connect to a supportive staff member who runs the club.

When they know who their incoming teachers are, they may went to email their teachers informing them of their name and pronouns. I would also prepare the student with some sort of script to talk to their teachers on the first day of school . That day is likely to have a lot of moments where they are misgendered and the wrong name is used. Talking them through this and through the process of approaching their teachers to have them use the right name and pronouns might help with any sort of potential overwhelm.

Our school also create an email alias for trans kids so that people emailing them with their name goes straight to the email that's correlated with their legal name. You might want to ask if the counselor is aware of any accommodations like this and if they can be made for this student.

Roxanne
School Counselor
New Hampshire

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---
Original Message:
Sent: 04-11-2022 11:39
From: Andrea Orozco
Subject: Gender non-conforming student moving on to HS

Hi All,

I have a gender-non conforming student currently in 8th grade. They came up to me and asked if I could help them prepare for coming out to the staff in the high school that they will be attending. Parents are aware of students identity but are not fully supportive. Besides contacting the school counselor at the high school what else do you suggest or recommend can be done so the student starts out in their new school being referred to by their correct name and pronouns? Any and all suggestions are appreciated. Thank you.

Andrea Orozco
Discovery Charter
School Counselor
Chula Vista CA
---

8. Re: Gender non-conforming student moving on to HS

Reply to Group | Reply to Sender



Apr 12, 2022 10:05 PM
Angélique Gravely

Hi Andrea,

It may be helpful to look over Gender Spectrum's Gender Support Plan and Gender Communication Plan with your student to help them articulate their ideal experience of being out to the staff at their high school, what support they'd want/need, and how to best communicate those wants and needs. These documents could also be used to ask some questions of the high school counselor about what support already may be available for the student.

Angélique Gravely
Counselor | LGBTQ+ Educator | Speaker | Writer
Philadelphia, PA

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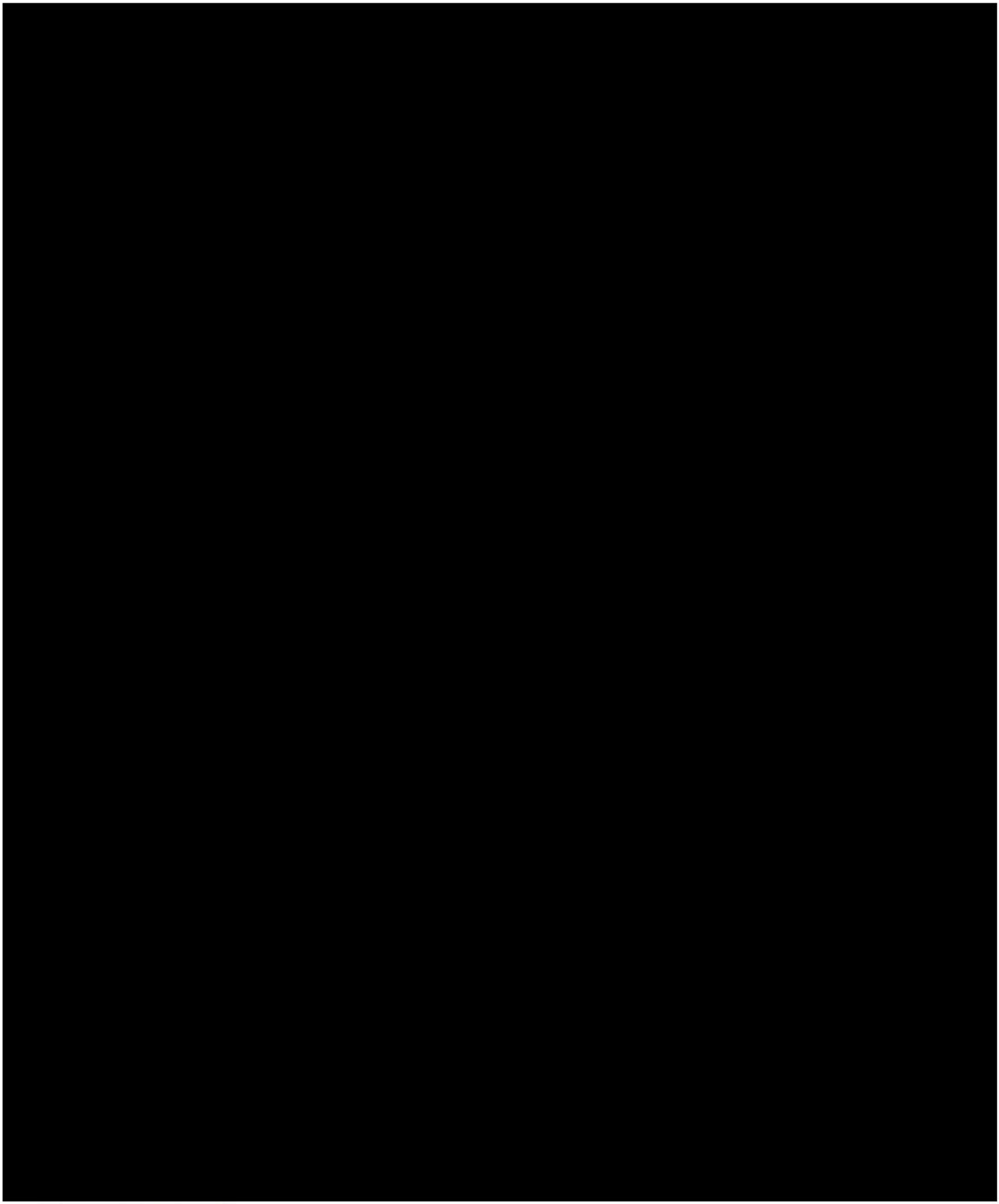

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From: editor@alert.republicantaskforce.com on behalf of Harmeet Dhillon <editor@alert.republicantaskforce.com>
Sent: Friday, March 4, 2022 5:56 AM
To: aliseda0905@beaufortschools.org
Subject: Tucker Carlson: "This is a textbook violation of the 1st Amendment"

Dear Fellow Conservative,

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The actions of these teachers and the school are sickening...

They intentionally hid their radical indoctrination from Jessica -- even though the Supreme Court has consistently ruled that parents have the right to control their children's education.

Left-wing activist teachers, administrators and schools are out-of-control...

It's disgusting. It's awful. And we have to stop them.

That's why I'm asking for your help today.

Will you join me to make these Left-wing activist teachers and the school pay for their illegal actions?

You see, we are suing the school AND the teachers for their illegal actions...

Because the only way we're going to stop these activist teachers and administrators is to drag them into court.

The fact is that we have no idea how many other children this is happening to across the country -- Jessica's daughter is just one example.

We know the California Department of Education and the teachers' associations train schools and teachers to keep secrets from parents...

Who knows how many other young children are being poisoned?

Left-wing radicals are using our classrooms to brainwash our children and grandchildren with their sick-and-twisted views.

And we have an opportunity to stop it.

This lawsuit puts every single activist teacher, administrator and school on notice -- if you mess with our children, **we will see you in court**!

They should be teaching our children math, reading and history -- not pushing them to become transgender or bisexual.

But, to stop this from happening -- we need to win this case...

That's why I'm asking for your help immediately today.

Will you please step up and make a generous donation to help us drag these radical activists to court?

And please know here at the Center for American Liberty we don't just file lawsuits -- we **WIN** them!!

My name is Harmeet Dhillon and you may recognize me from my numerous appearances on **Newsmax** and **Fox News** with **Laura Ingraham, Tucker Carlson, Shannon Bream** and **Fox and Friends**.

I've been on a lot talking about our numerous legal battles *and victories* against the radical Left.

We've already won three major victories for religious liberty before the U.S. Supreme Court.

We're also taking the fight to big tech and the politicians who are conspiring to silence and destroy conservatives...

But this case to stop activist teachers from corrupting and hurting our children and grandchildren is so important -- it's one we cannot afford to lose.

That's why, I'm asking if you can give today -- $35, $50, $100, $250 or more. I will use it to protect our children and grandchildren from the radical Left.

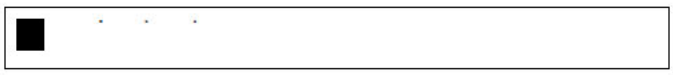
So, the next time a radical teacher wants to poison another child with their sick beliefs they'll know that we're watching and are ready to drag them into court...

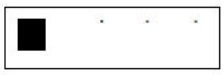
That is the only way we're going to stop them -- they have to fear the consequences of their actions!

With your help, we'll hold these teachers accountable for brainwashing and grooming their young students- and we'll put all radical leftist teachers on notice that they won't get away with their plot to indoctrinate our kids and erase our parental rights.

Thank you in advance for your support.

God Bless,





Harmeet K. Dhillon
Founder & CEO,
The Center for American Liberty

DONATE

P.S. Radical activist teachers in California tricked a 12-year-old girl into believing she was transgender and bisexual.

They helped her change into a “boy” with a new identity a new name and new pronouns -- **and told her to hide it from her mother.**

Now we’re dragging these activist teachers and the school into court to pay for their abuse of her young daughter, and I need your help to win.

That’s why I’m asking you to give an emergency tax-deductible donation of $20, $35, $50, $100, $250 to stop these radical liberals from poisoning our children.

We must win this case and put every single Left-wing teacher and school on notice -- if you infect our children with your radical values we will drag you into court too!

DONATE



Please consider supporting our efforts to defend our Constitution with a donation today.

The Center For American Liberty is a 501(c)(3) charitable organization created to fight against growing anti-free-speech and anti-civil liberties trends.

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From: editor@alert.republicantaskforce.com on behalf of Harmeet Dhillon <editor@alert.republicantaskforce.com>
Sent: Thursday, February 17, 2022 6:00 AM
To: aliseda0905@beaufortschools.org
Subject: What Laura Ingraham said

Dear Fellow Conservative,

Radical activist teachers brainwashed a 12-year-old girl to think she's a "boy" and hid it from her mother...

So, we're dragging the teachers and school into court to make them pay for their disgusting actions and stop this from happening to other children.

But to win this critical case I need your help today. That is why I'm asking you to join me by making a tax-deductible donation to ensure these politically motivated radical teachers can't brainwash any more children.

In case you missed the details of our case when I announced it with Laura Ingraham on her great Fox News show The Ingraham Angle let me recap it for you.

One day Jessica Konen, a mother of a young 12-year-old girl in middle school was called in and told by the school that her daughter was now a "boy."

What she found out was that over the past several months teachers indoctrinated her sixth-grade daughter into believing she was transgender and bisexual.

Her daughter didn't even know what those two words meant until these sick activist teachers infected her daughter with their twisted beliefs...

The teachers recruited Jessica's daughter to join their "Equality Club" where she was told she may be transgender and bisexual.

The teachers then helped her to create a totally new identity with new names, new pronouns and had her use a
different bathroom.

They even created a "Gender Support Plan" for her and instructed the faculty to use her new male name and pronouns -- ALL without her mother's knowledge.

And worse than that -- **these radical teachers told Jessica's daughter NOT to tell her mom because she couldn't be "trusted**."

The actions of these teachers and the school are sickening...

They intentionally hid their radical indoctrination from Jessica -- even though the Supreme Court has consistently ruled that parents have the right to control their children's education.

Left-wing activist teachers, administrators and schools are out-of-control...

It's disgusting. It's awful. And we have to stop them.

That's why I'm asking for your help today.

Will you support this important lawsuit to stop Left-wing activist teachers and administrators from secretly grooming young children into believing they are transgender and bisexual?

You see, we are suing the school AND the teachers for their illegal actions...

Because the only way we're going to stop these activist teachers and administrators is to drag them into court.

The fact is that we have no idea how many other children this is happening to across the country -- Jessica's daughter is just one example.

We know the California Department of Education and the teachers' associations train schools and teachers to keep secrets from parents...

Who knows how many other young children are being poisoned?

Left-wing radicals are using our classrooms to brainwash our children and grandchildren with their sick-and-twisted views.

And we have an opportunity to stop it.

This lawsuit puts every single activist teacher, administrator, and school on notice -- if you mess with our children, **we will see you in court**!

They should be teaching our children math, reading and history -- not pushing them to become transgender or bisexual.

But, to stop this from happening -- we need to win this case...

That's why I'm asking for your help immediately today.

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But this case to stop activist teachers from corrupting and hurting our children and grandchildren is so important -- it's one we cannot afford to lose.

That's why, I'm asking if you can give today -- $35, $50, $100, $250 or more in support of this our important work.

So, the next time a radical teacher wants to poison another child with their sick beliefs they'll know that we're watching and are ready to drag them into court...

That is the only way we're going to stop them -- they have to fear the consequences of their actions!

With your help, we'll hold these activist teachers accountable for brainwashing and grooming young students and we'll restore parental rights in America's classrooms.

Thank you in advance for your support.

Harmeet K. Dhillon
Founder & CEO,
The Center for American Liberty

DONATE

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Sent to Republican Task Force subscribers.
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From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, November 2, 2021 1:16 AM
To: Allison.Kahn@beaufort.k12.sc.us
Subject: Open Forum Digest for Monday November 1, 2021

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Open Forum

Post New Message

Nov 1, 2021

Discussions

[redacted]

SEL Curriculum

[redacted]

Lessons on Gender

7. The Human Rights Campaign has some great... Lisa Wofford

started 7 days ago, Gwendolyn Nauls (1 reply)

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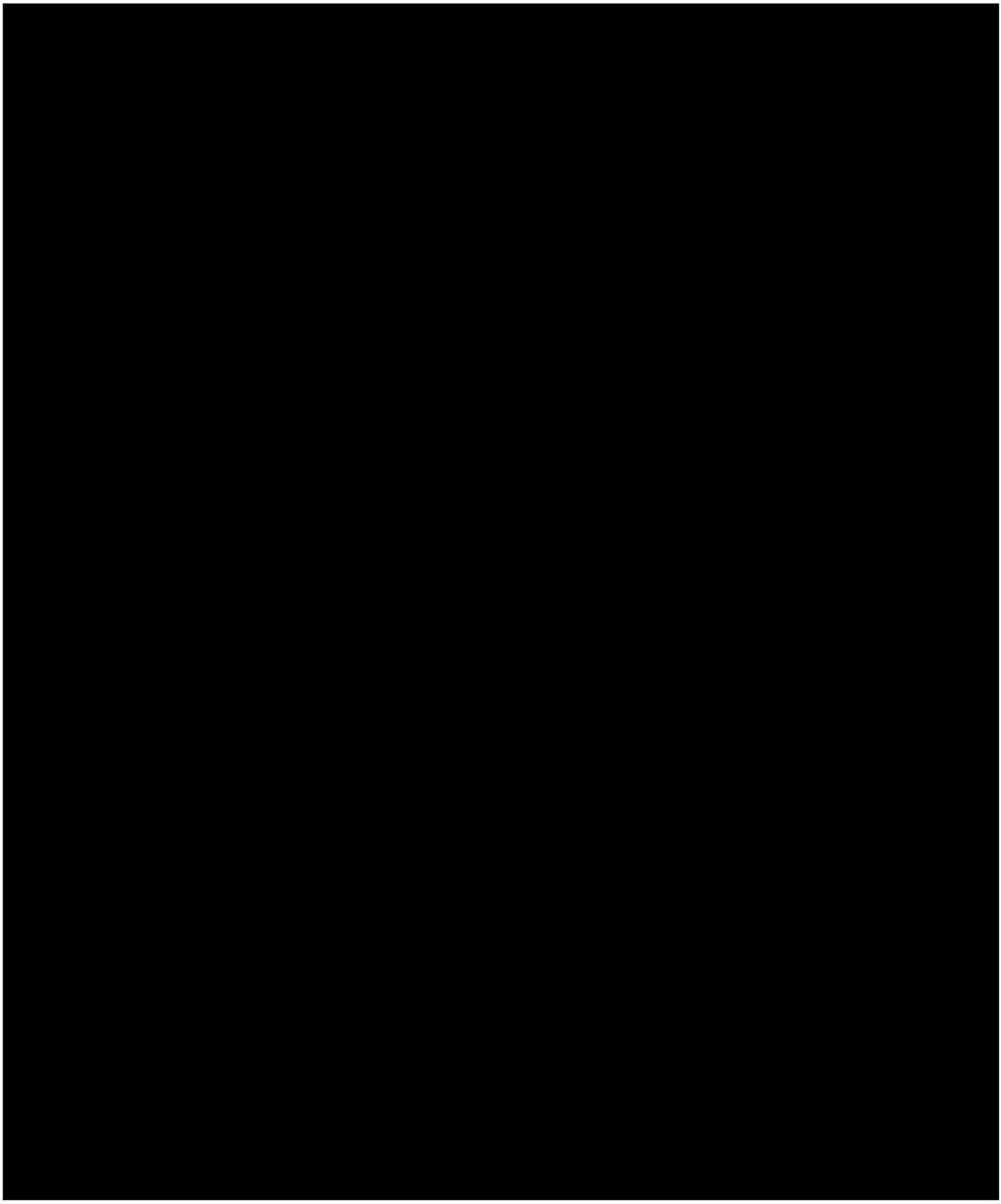

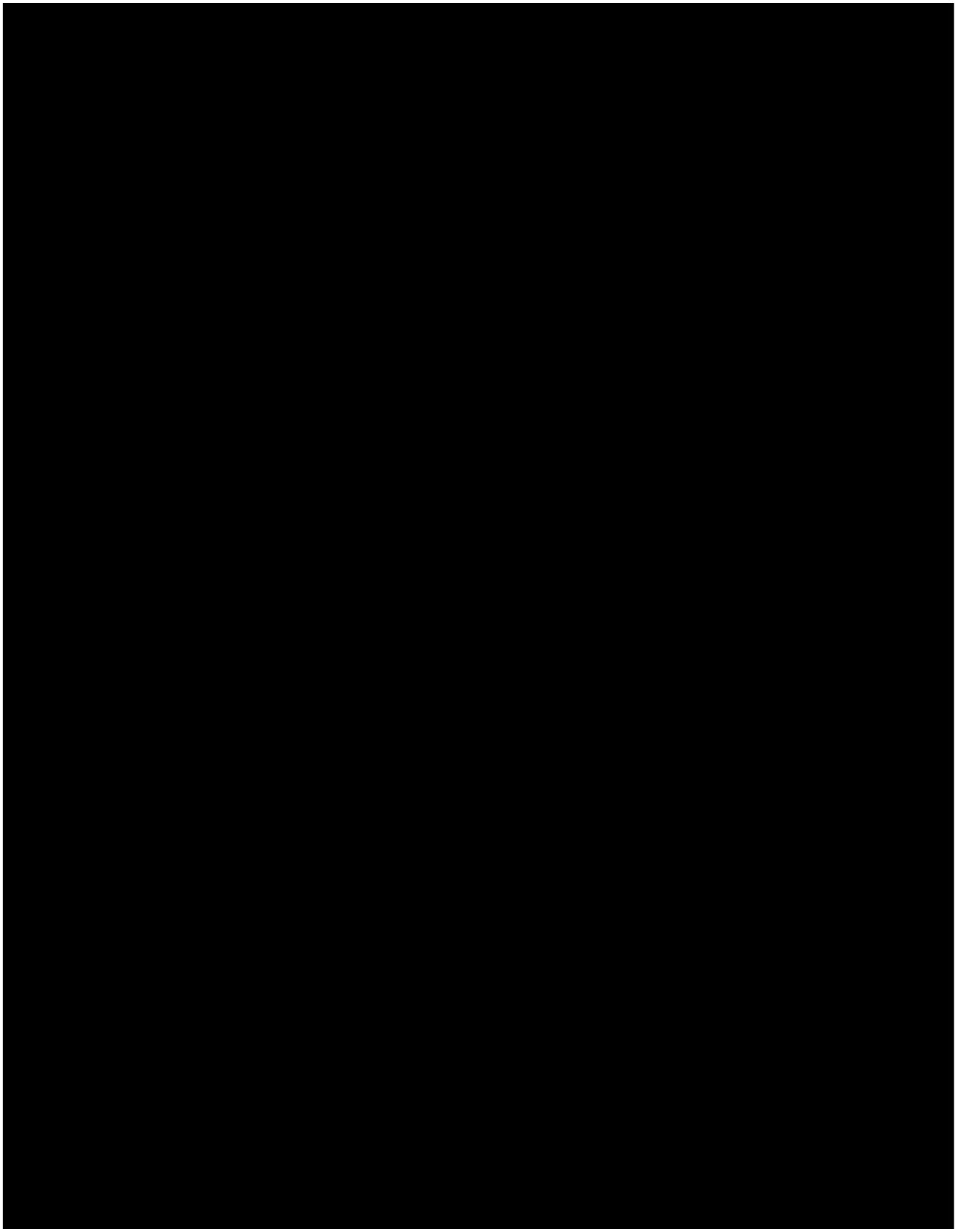

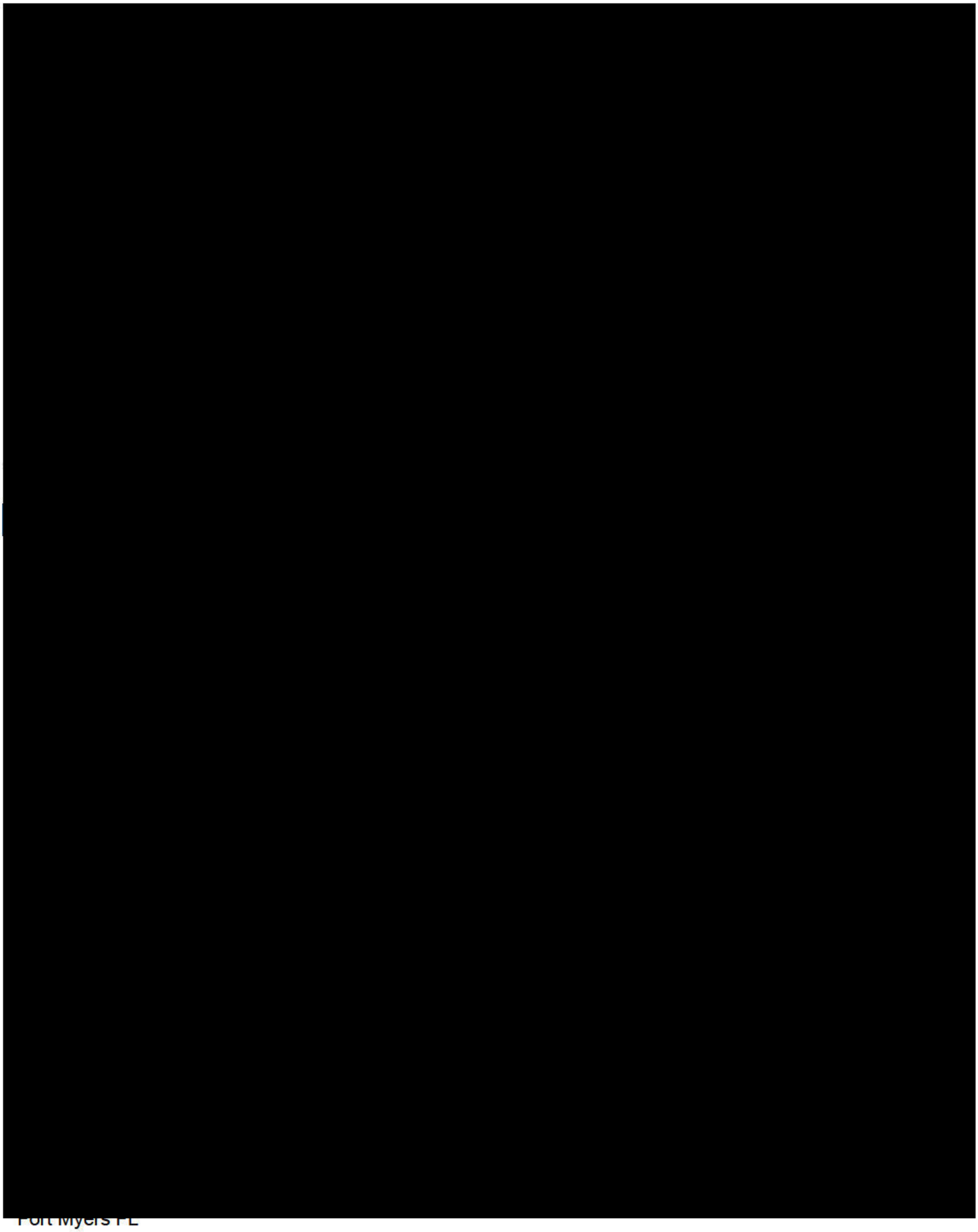

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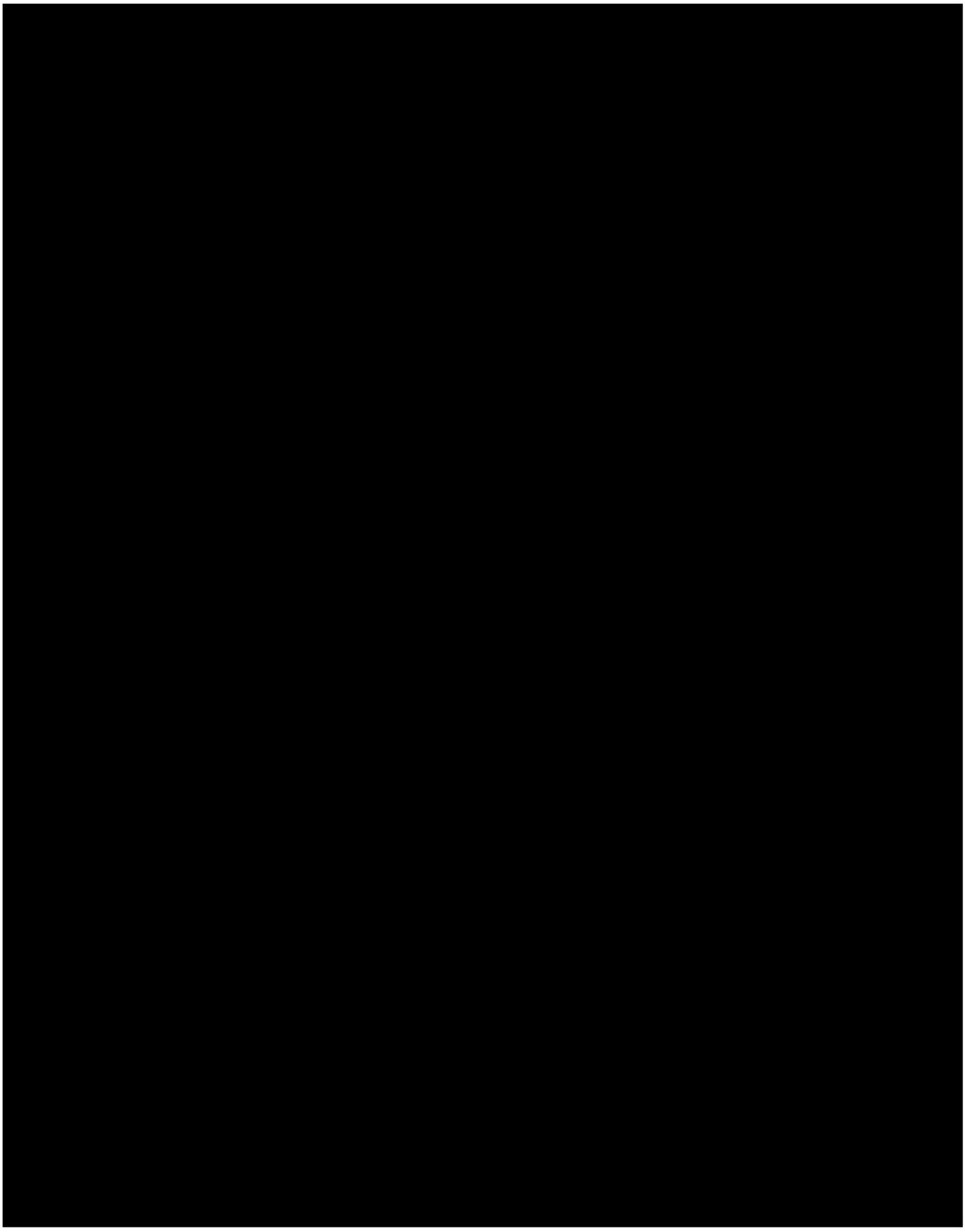

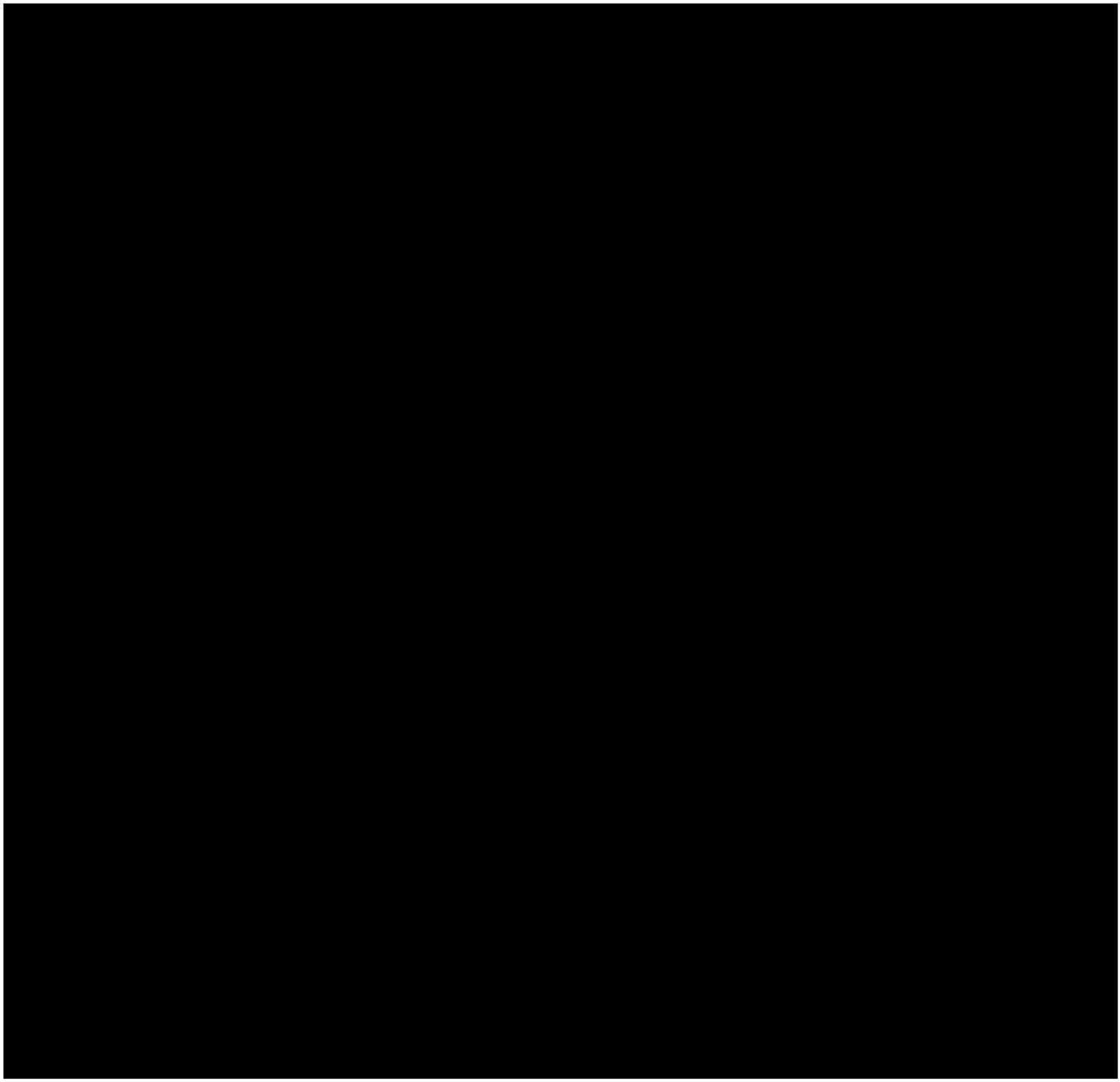

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7. Re: Lessons on Gender

Reply to Group Reply to Sender

Nov 1, 2021 3:05 PM
Lisa Wofford

The Human Rights Campaign has some great resources. After 24 years working at elementary level, I am learning about this with a 5th grader. Check out these links. One of them has a gender support plan which we are considering using.
Resources on Gender-Expansive Children & Youth

Schools-In-Transition.pdf

Lisa Wofford
Ventura CA

Reply to Group Online **View Thread** **Recommend** **Forward** **Flag as Inappropriate**

Original Message:
Sent: 10-28-2021 11:11
From: Jennifer Walker
Subject: Lessons on Gender

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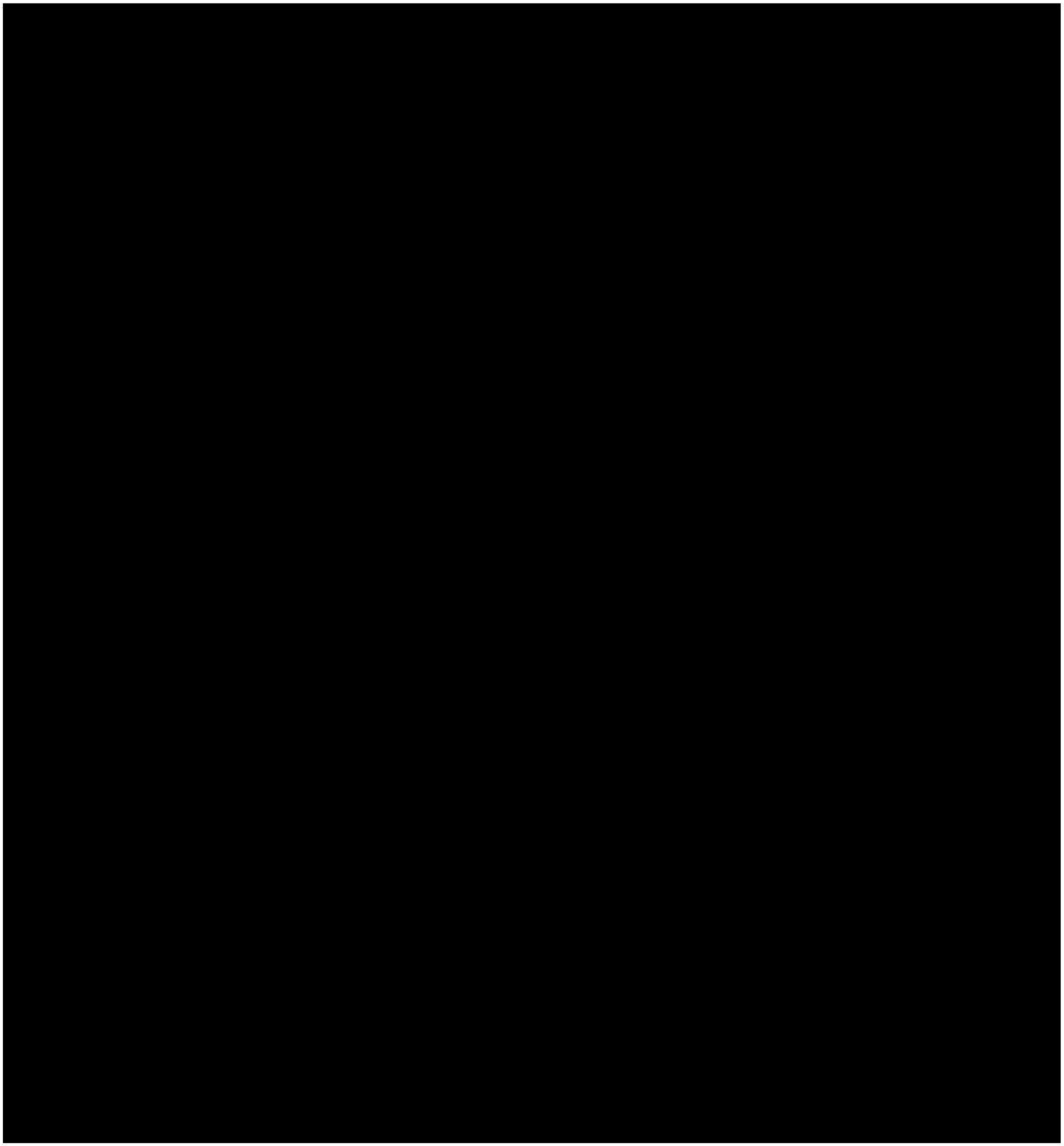
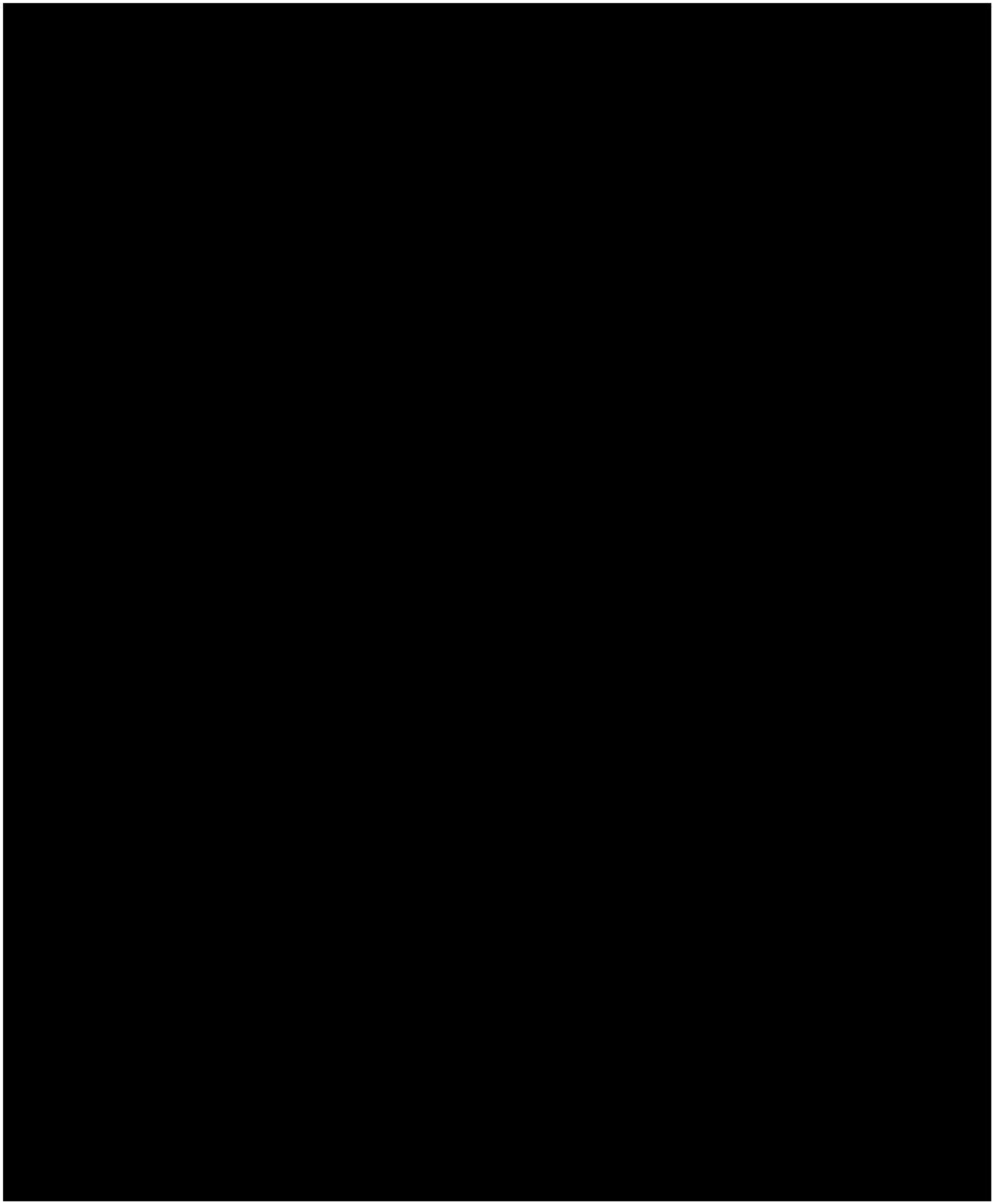
Does your district have a Gender Identity Equity Guideline or procedure in place? That would be another thing that should be in place.

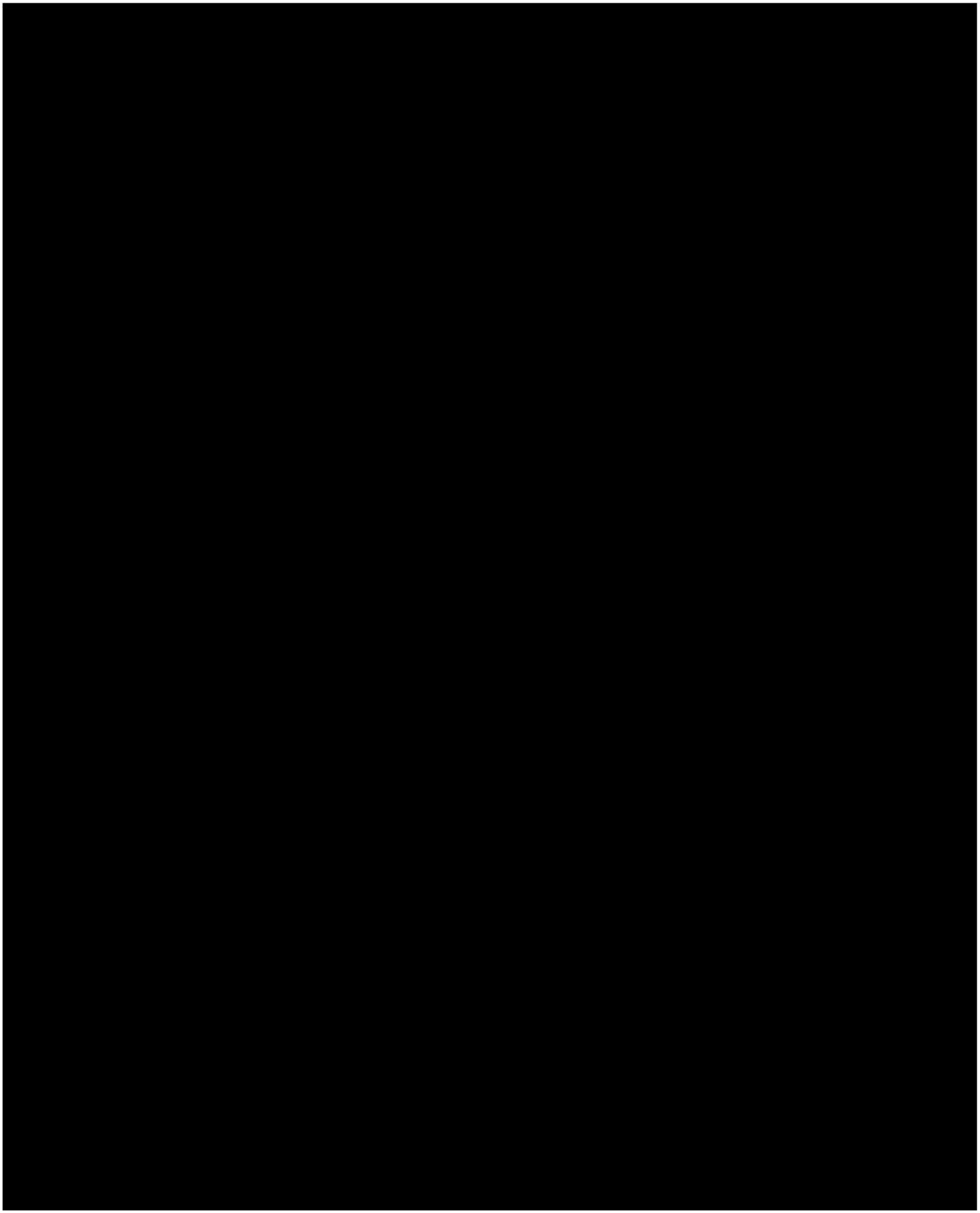
Jennifer Walker
Omaha Public Schools
Omaha NE
+1 (402) 557-3364

[redacted]



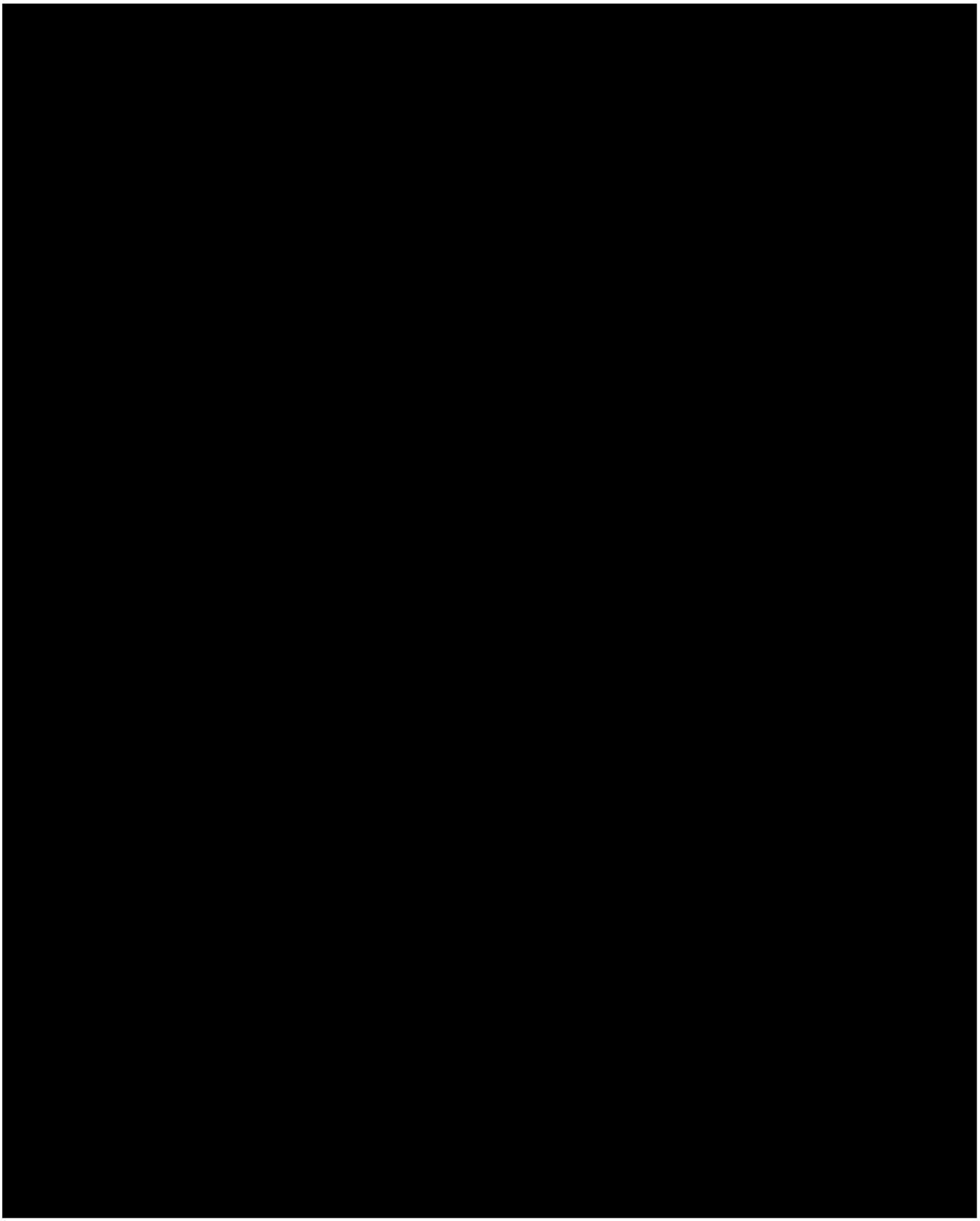


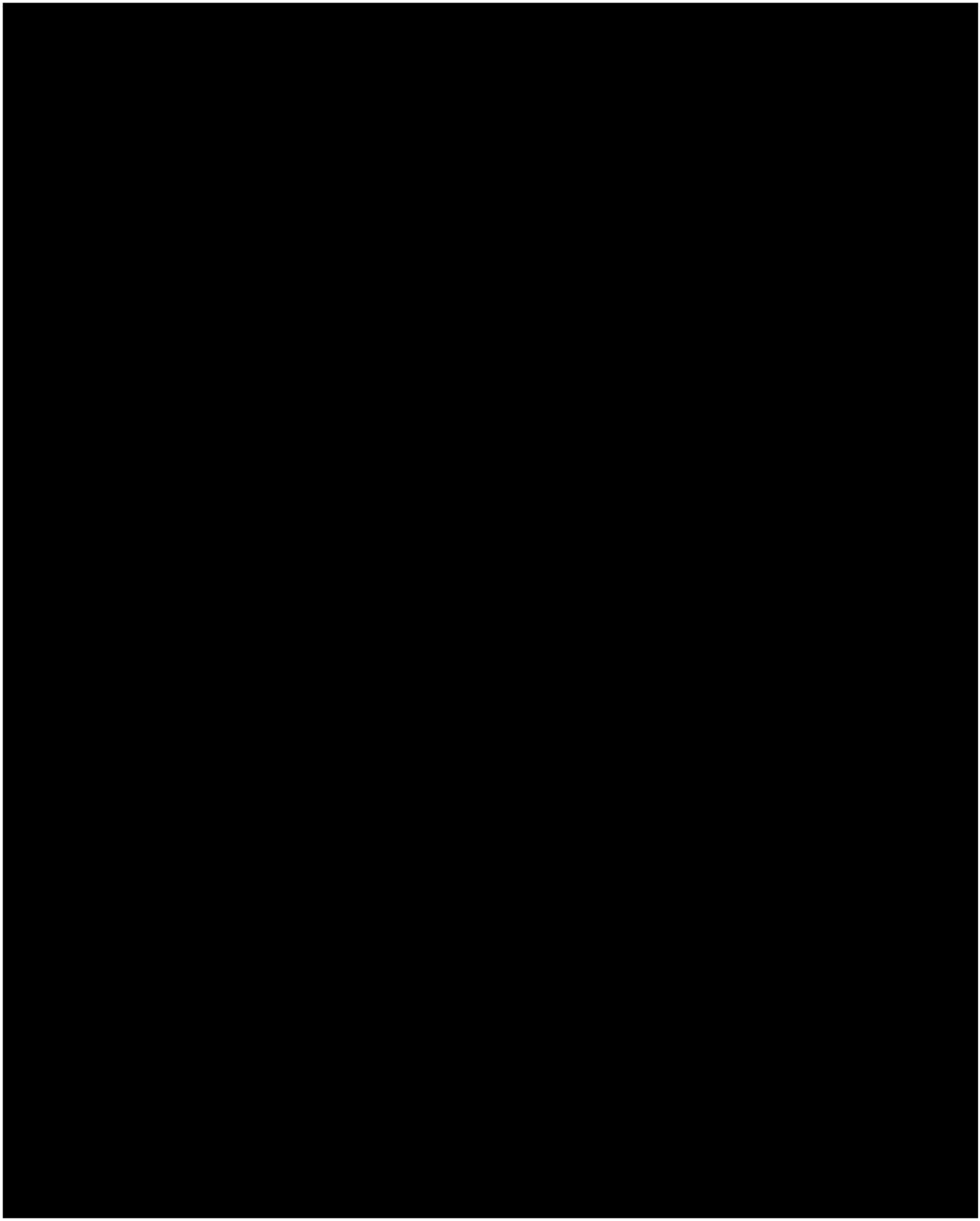












From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, November 2, 2021 1:16 AM
To: Tiffany.Webb@beaufort.k12.sc.us
Subject: Open Forum Digest for Monday November 1, 2021

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Open Forum

Post New Message

Nov 1, 2021

Discussions

[redacted]

SEL Curriculum

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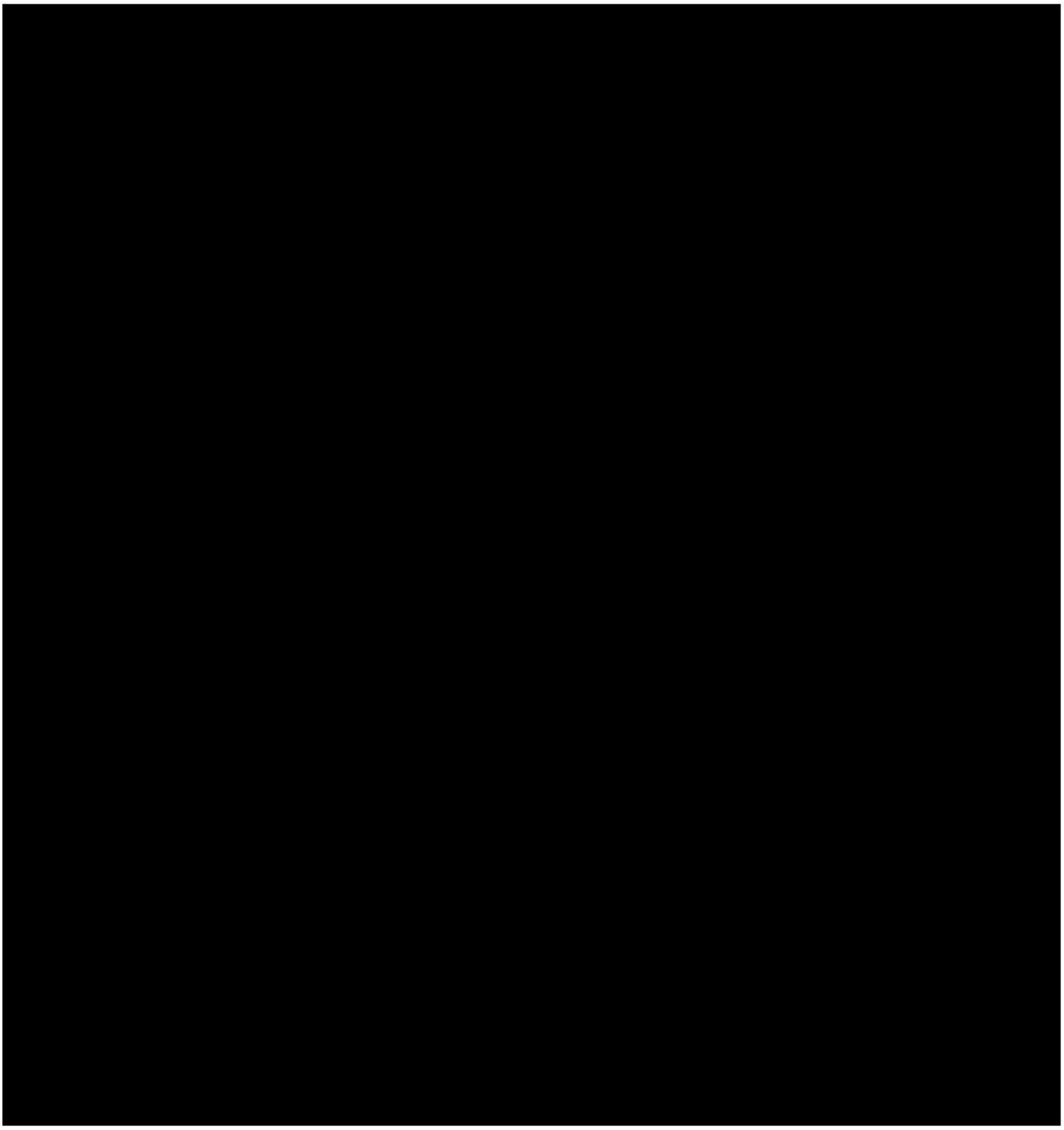













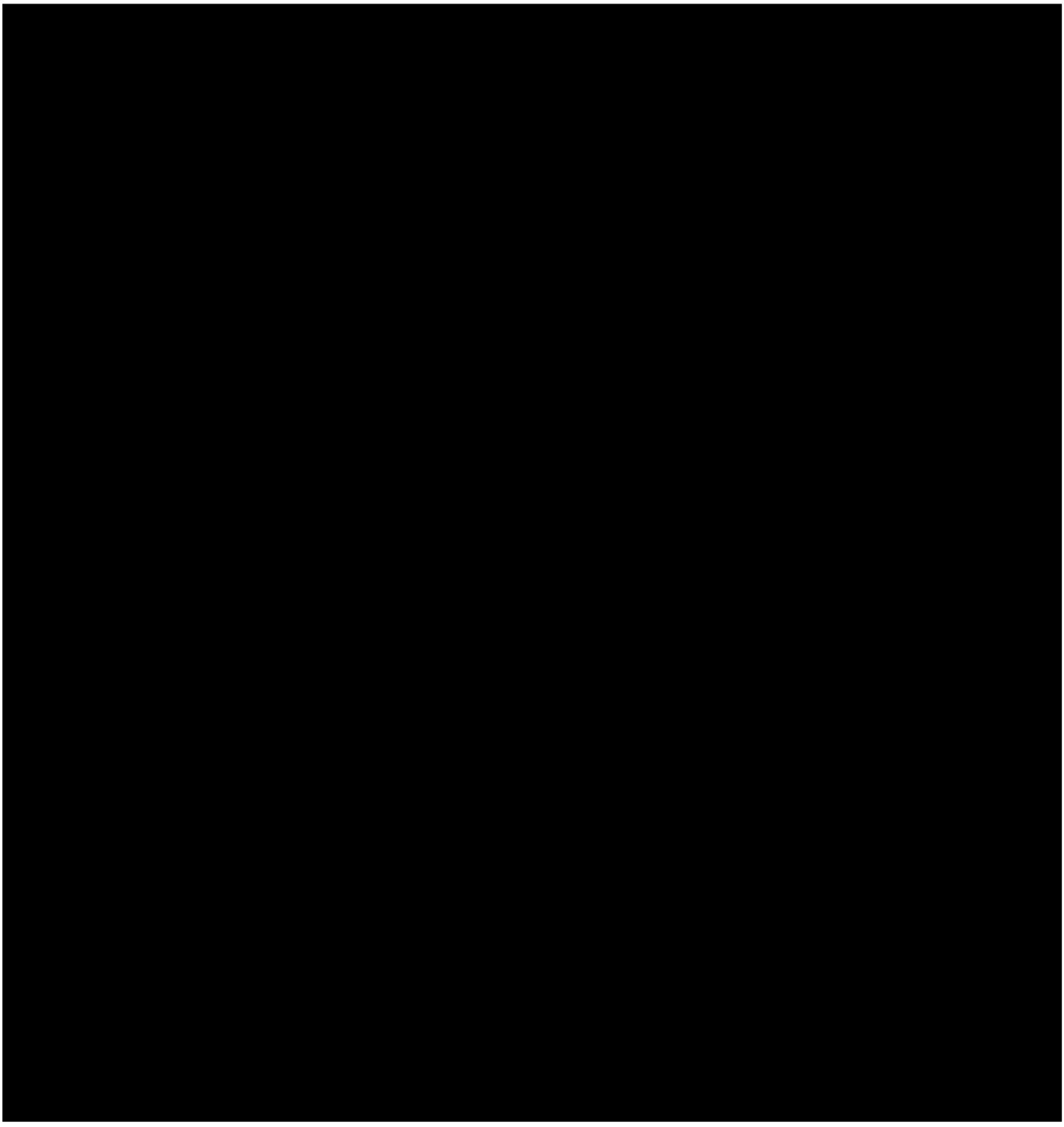

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Ventura CA

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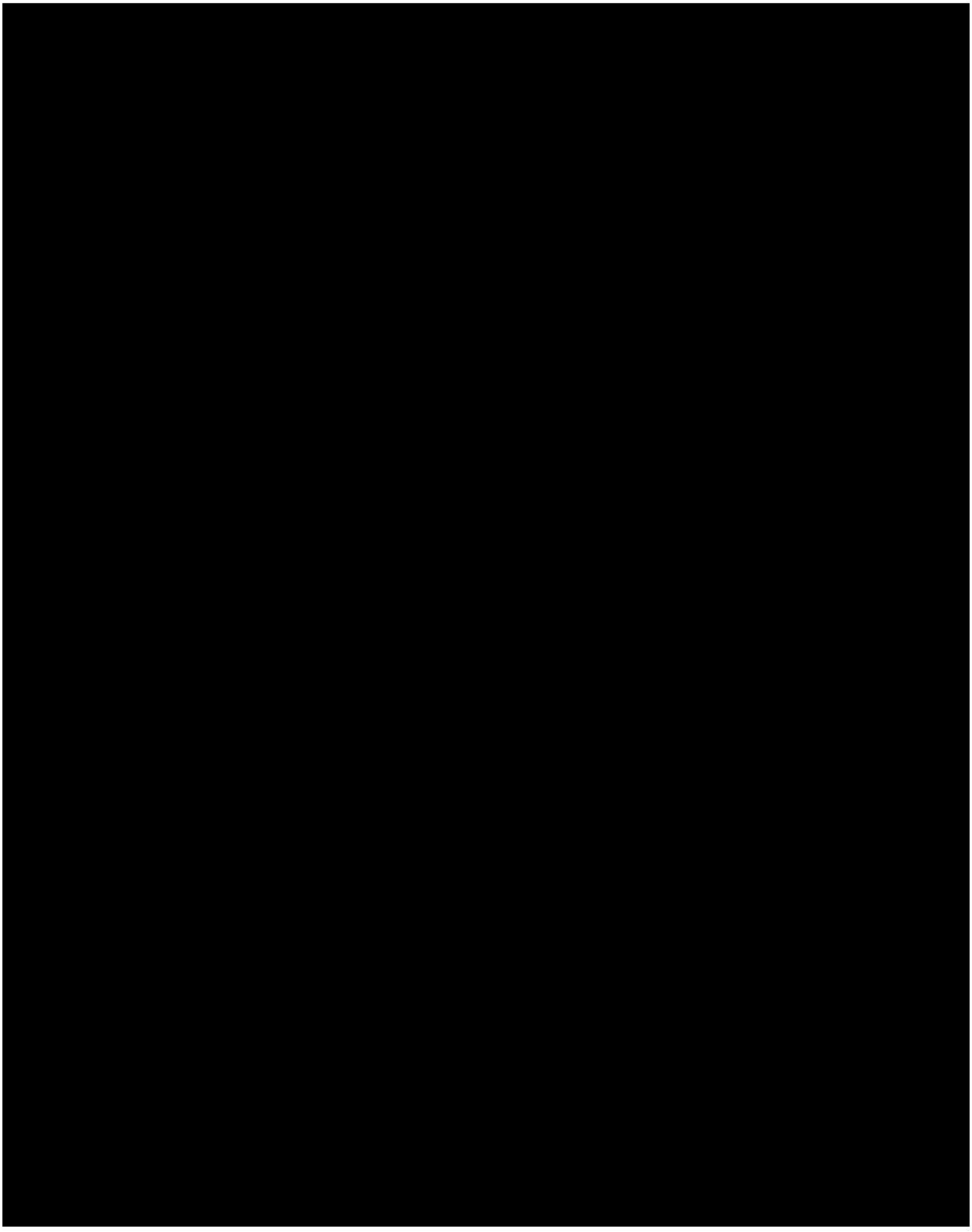

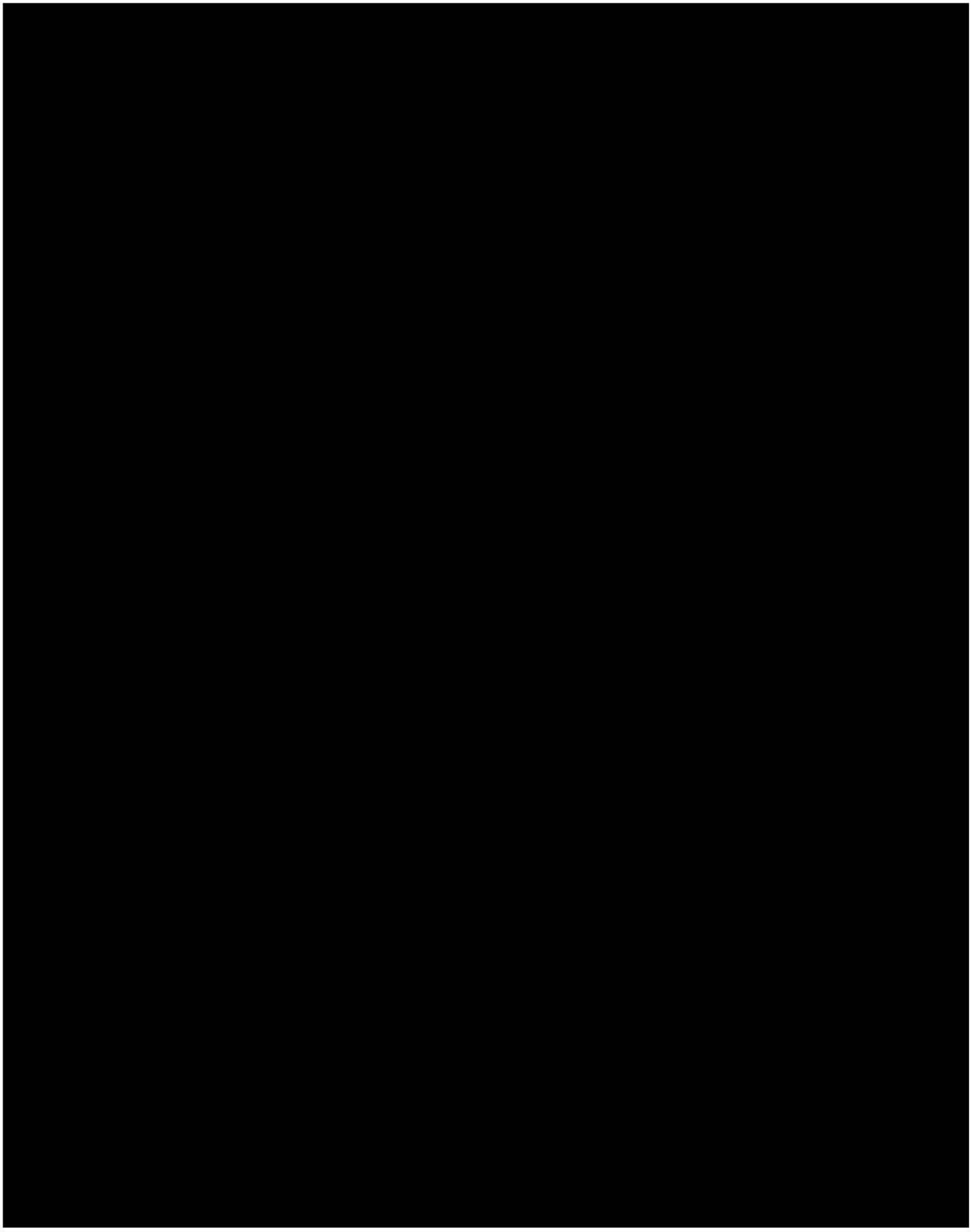

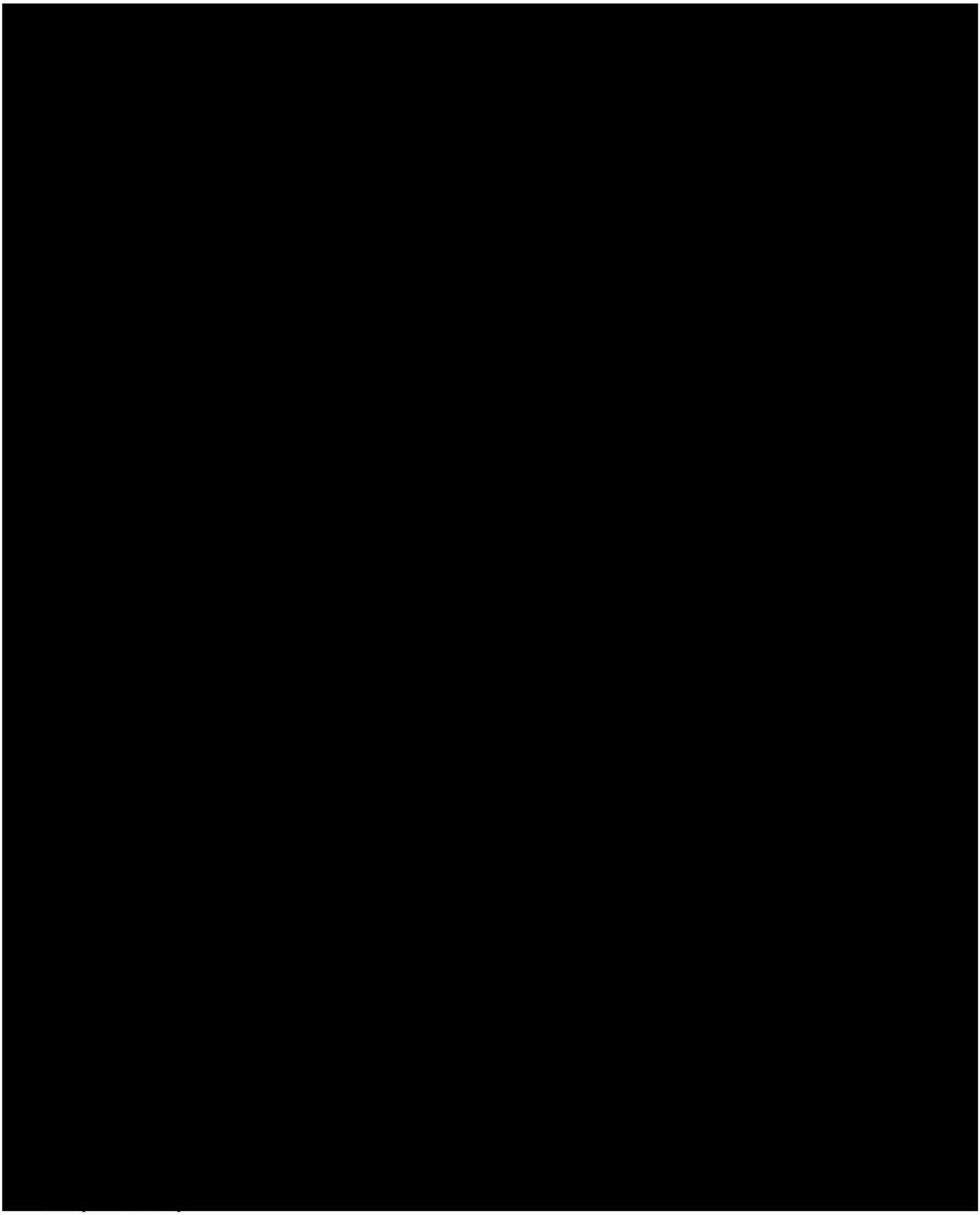

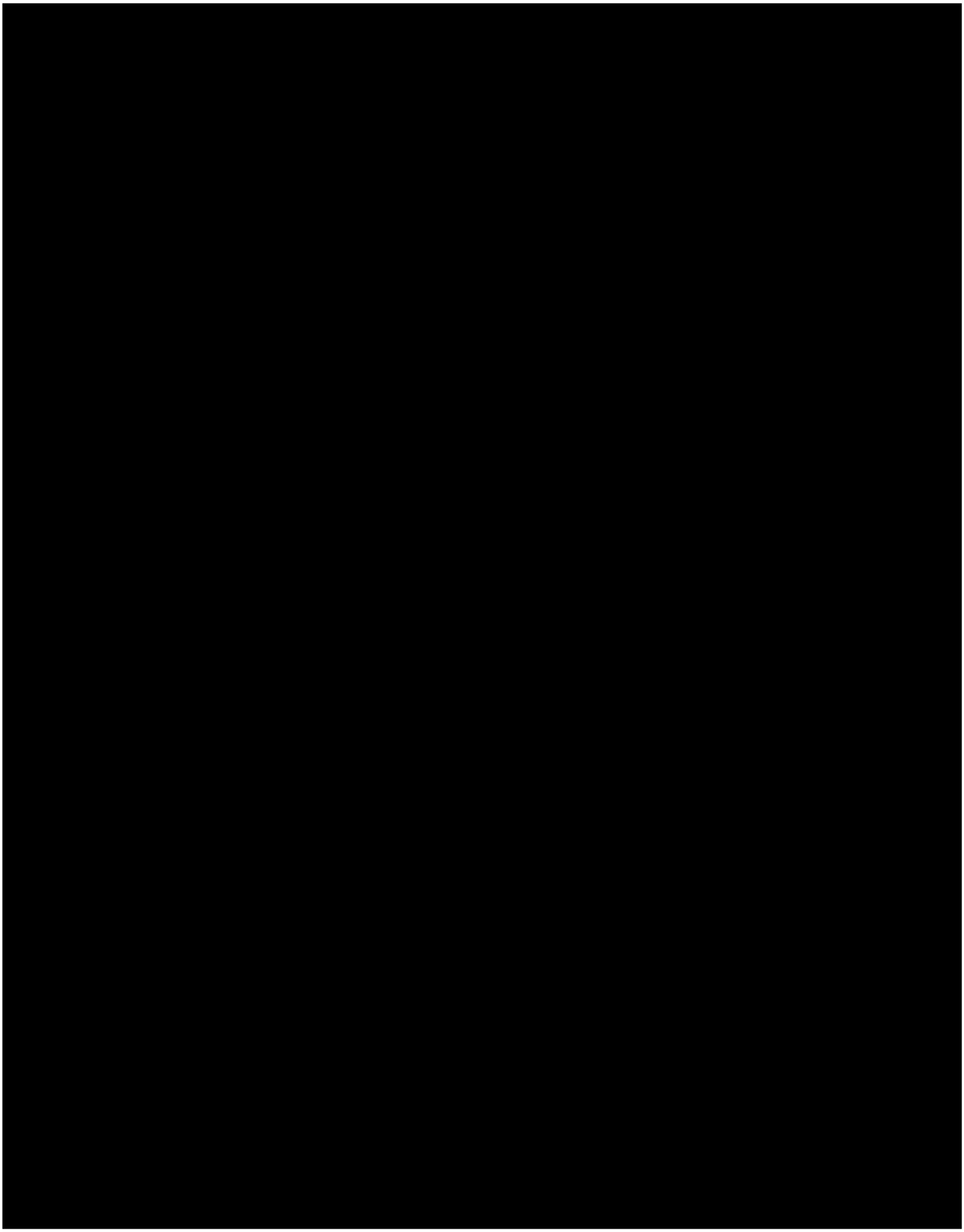

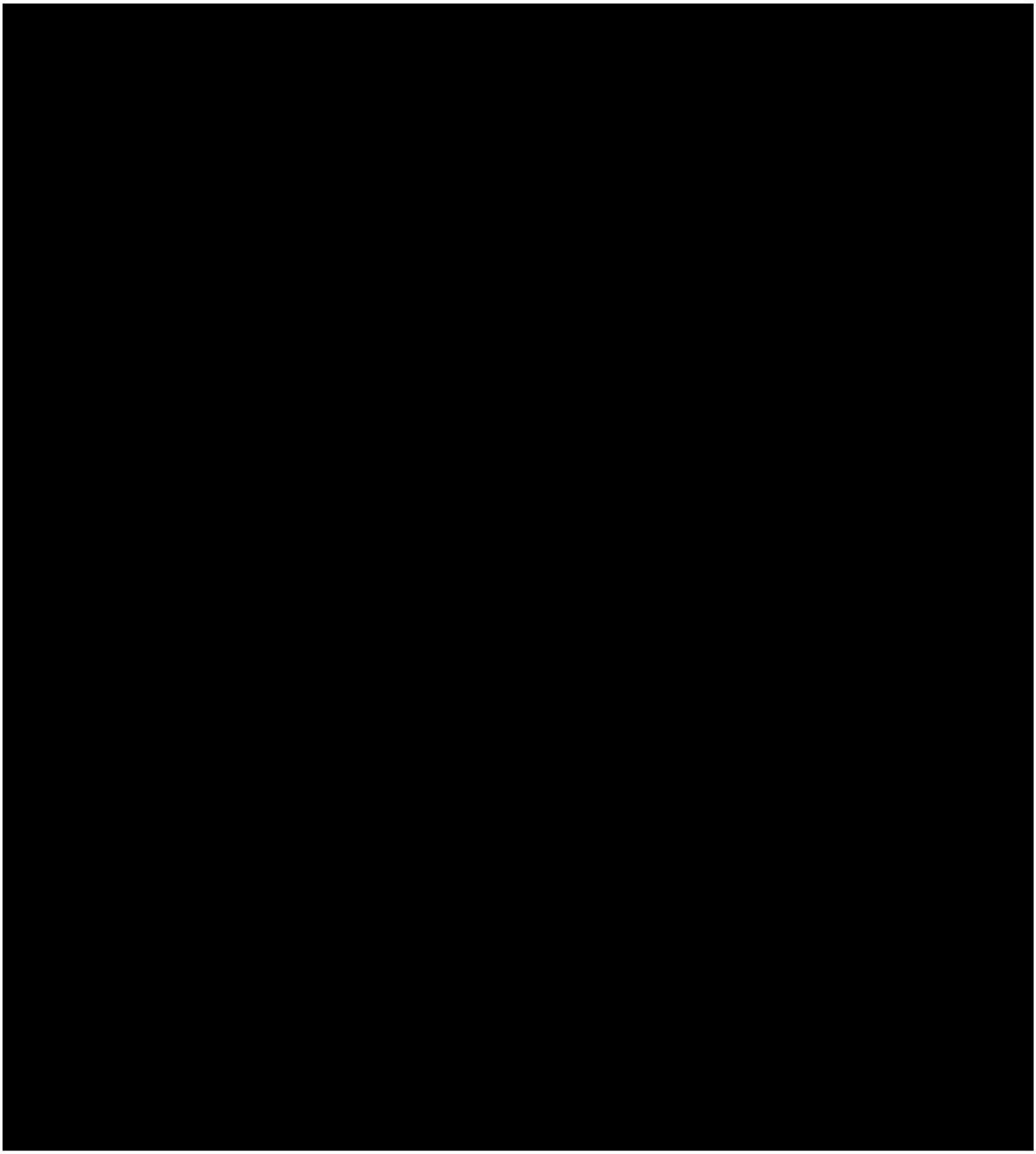

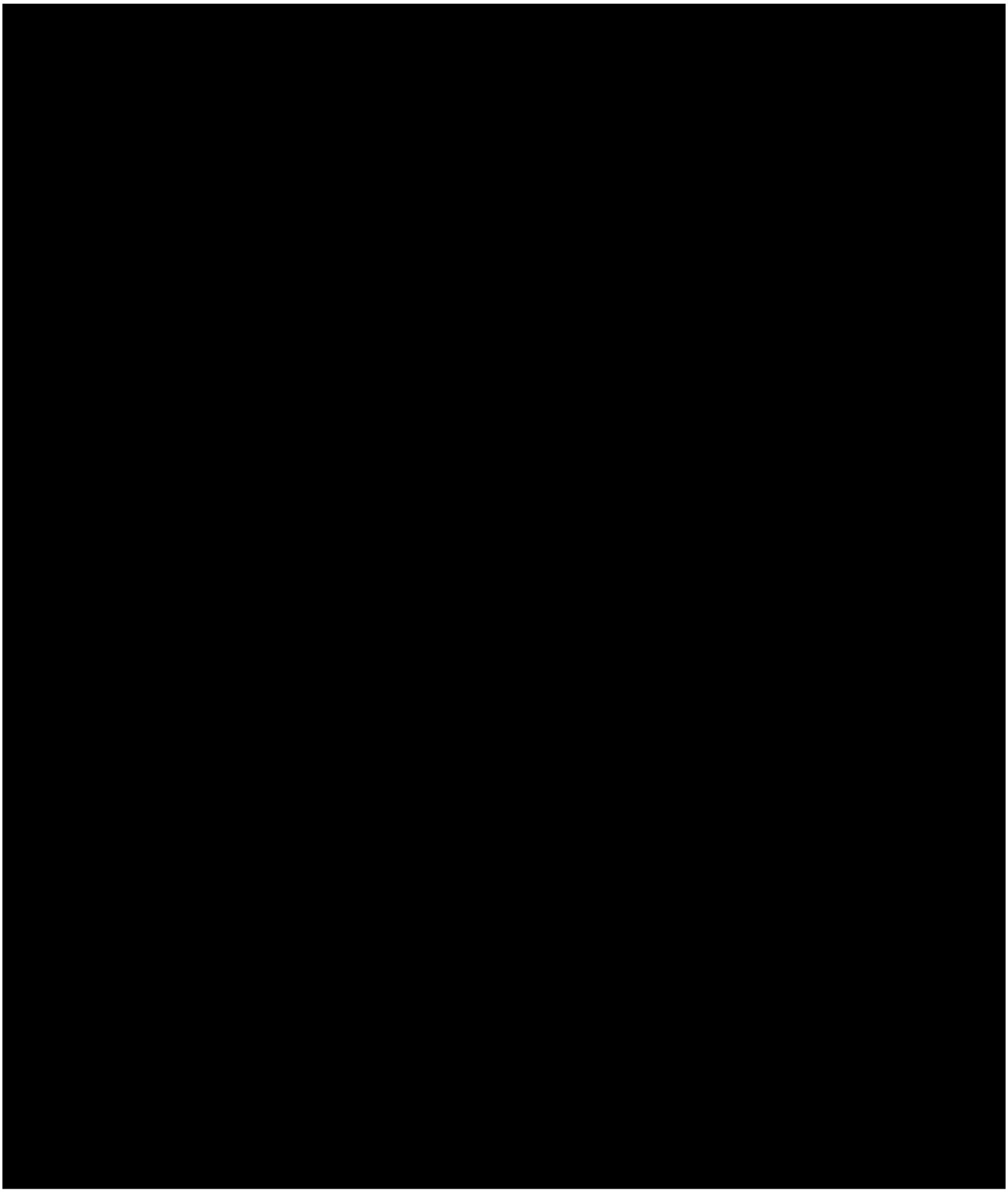

From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, November 2, 2021 12:52 AM
To: Sherry.Garvin@beaufort.k12.sc.us
Subject: Open Forum Digest for Monday November 1, 2021

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Open Forum

Post New Message

Nov 1, 2021

Discussions

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[redacted]

started 6 days ago, Thad Williams (7 replies)

Lessons on Gender [redacted]

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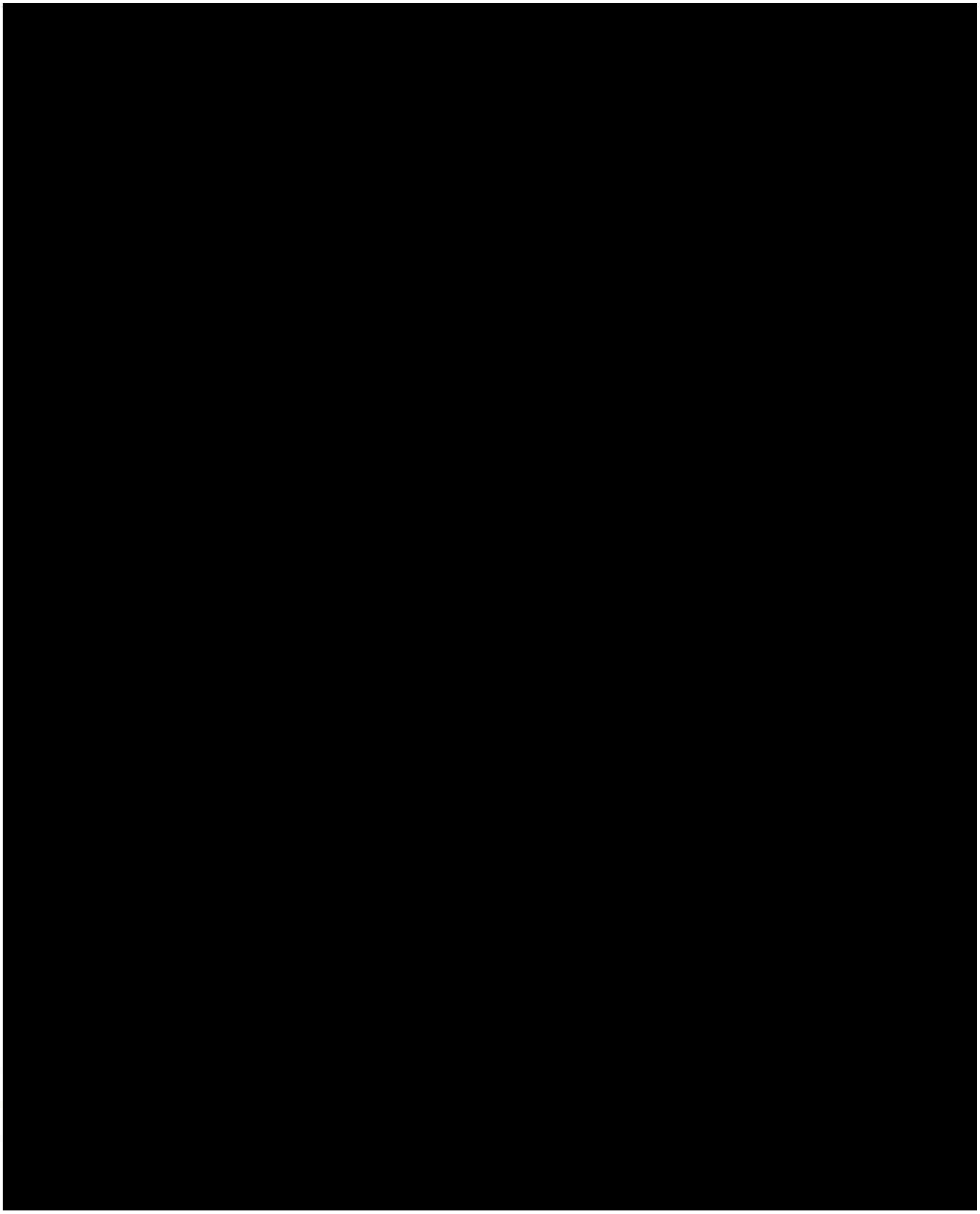

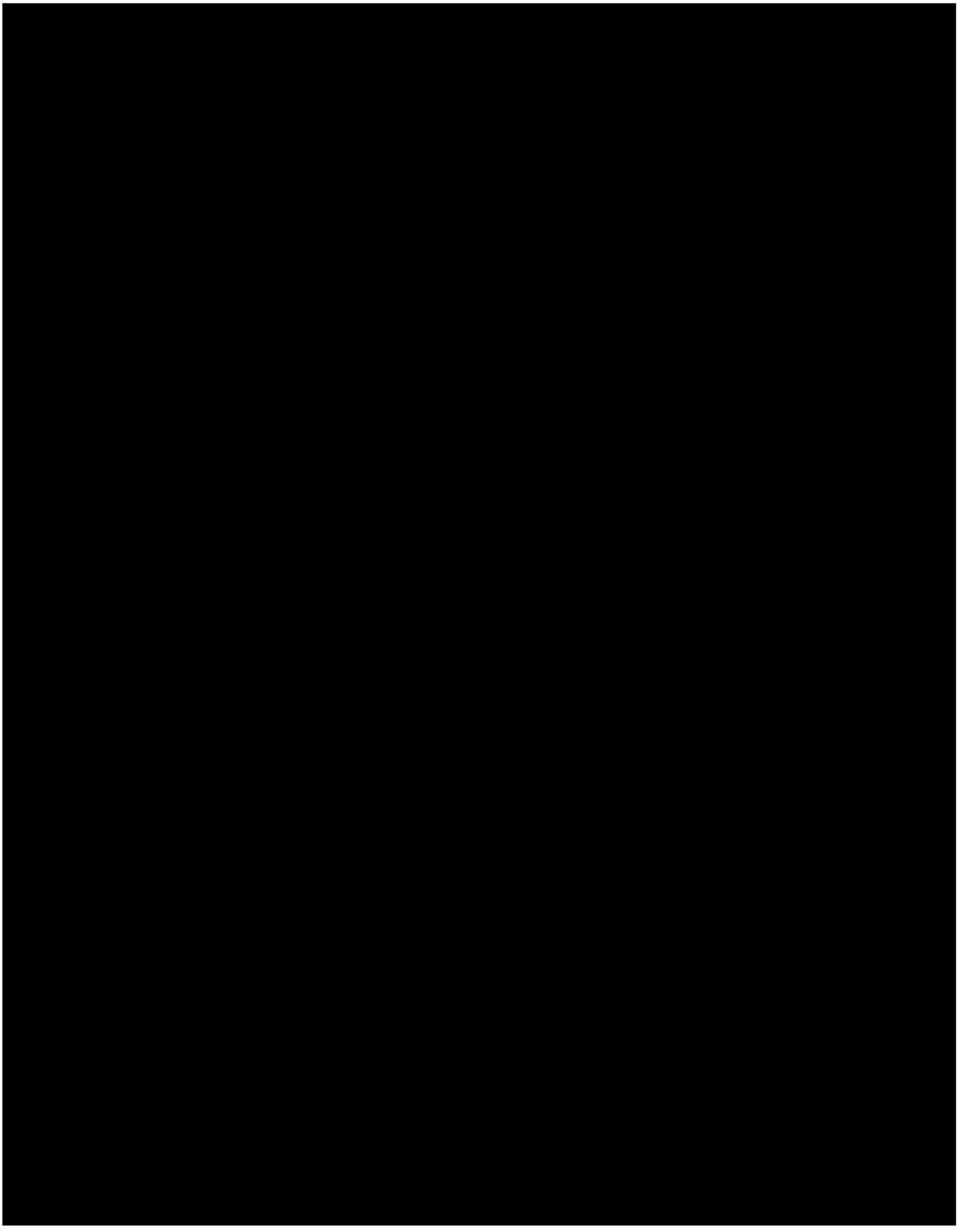

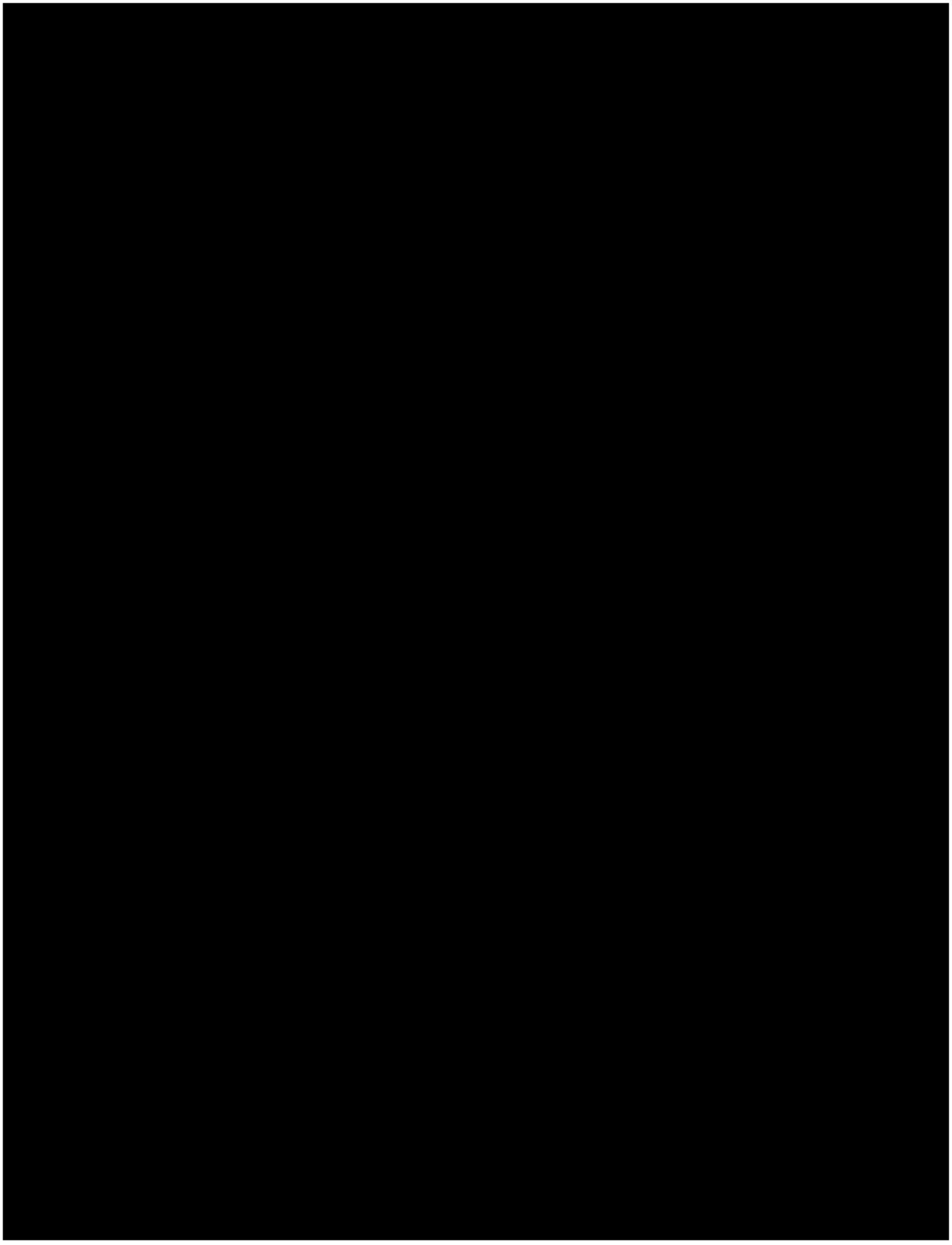

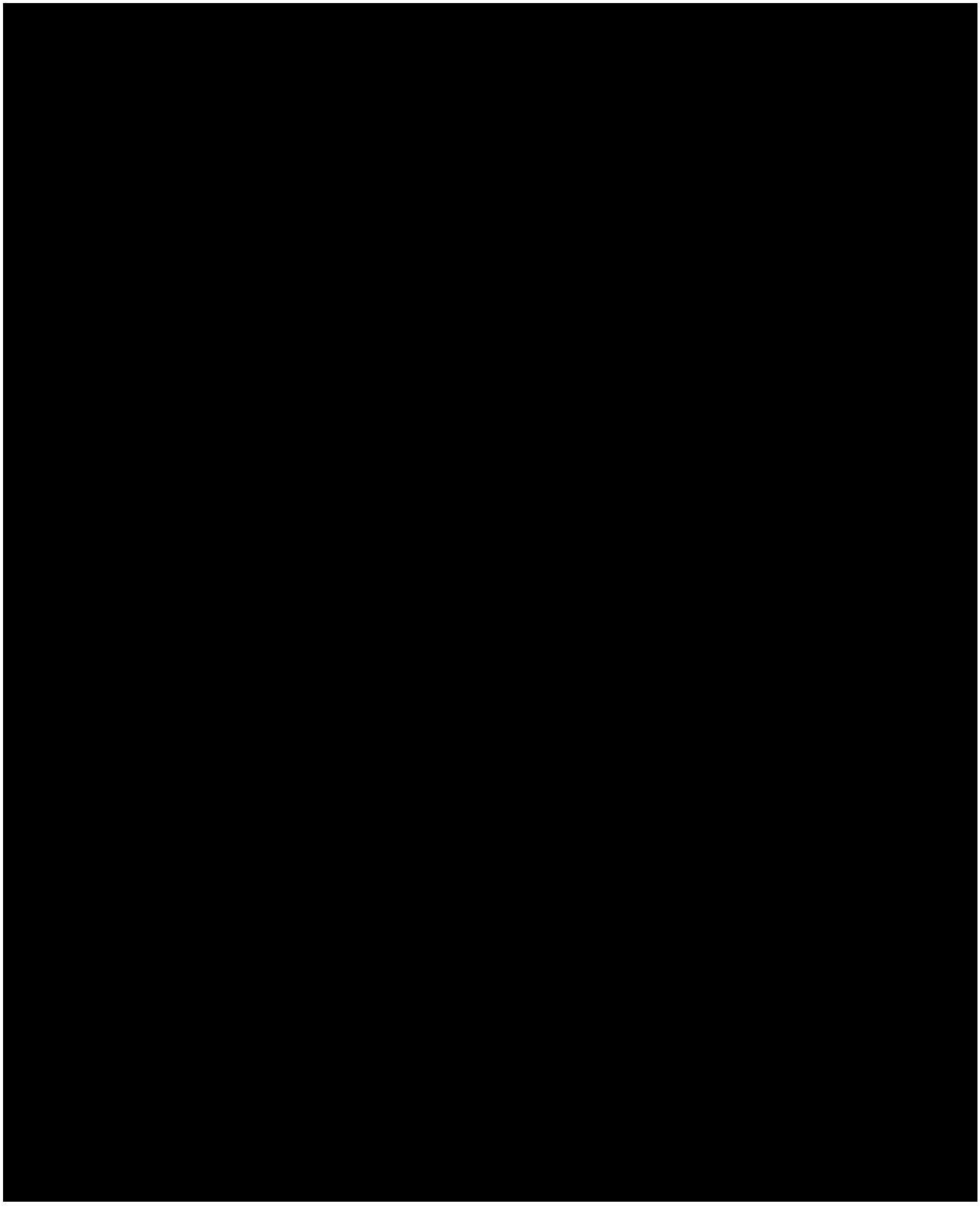

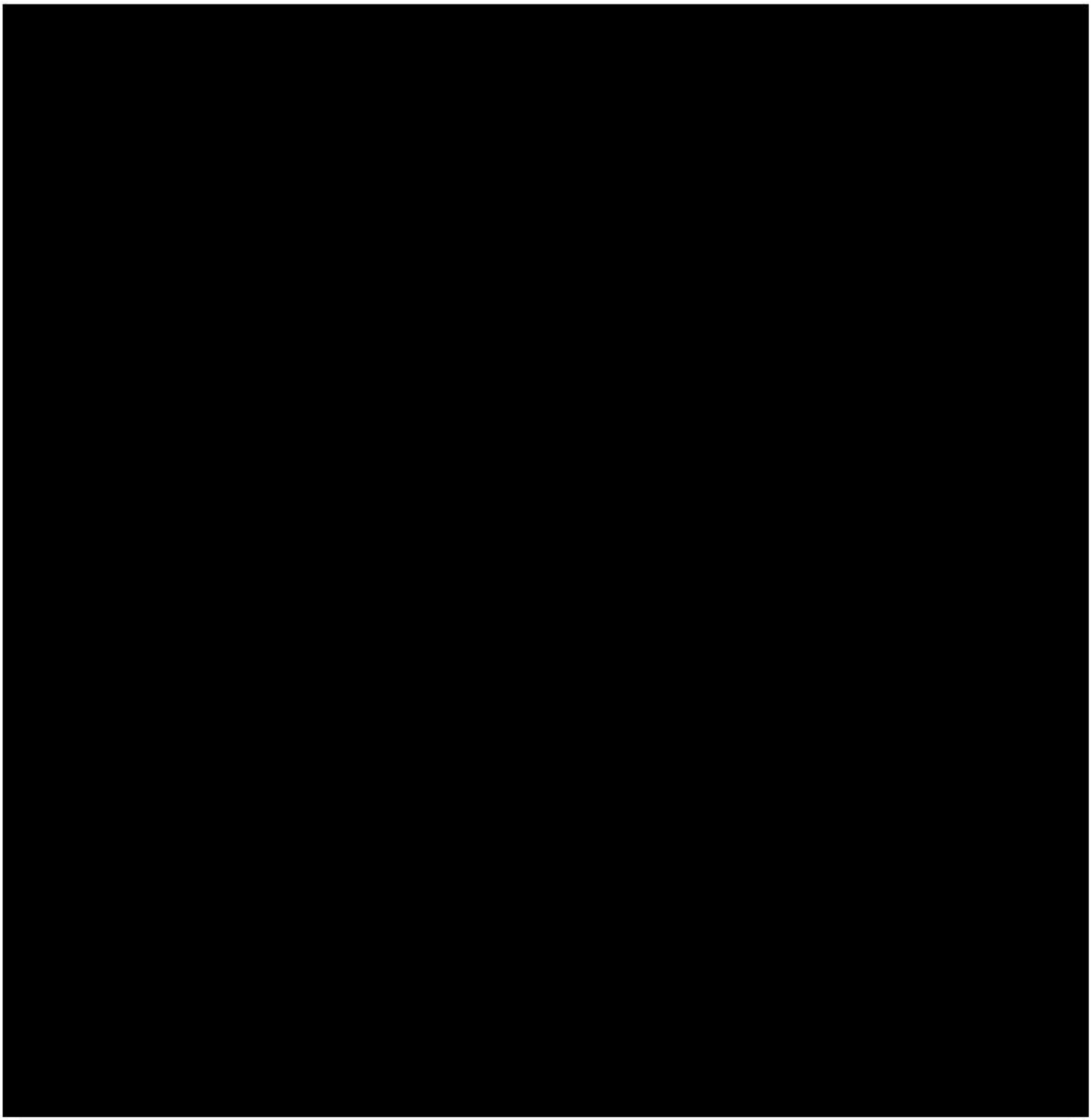

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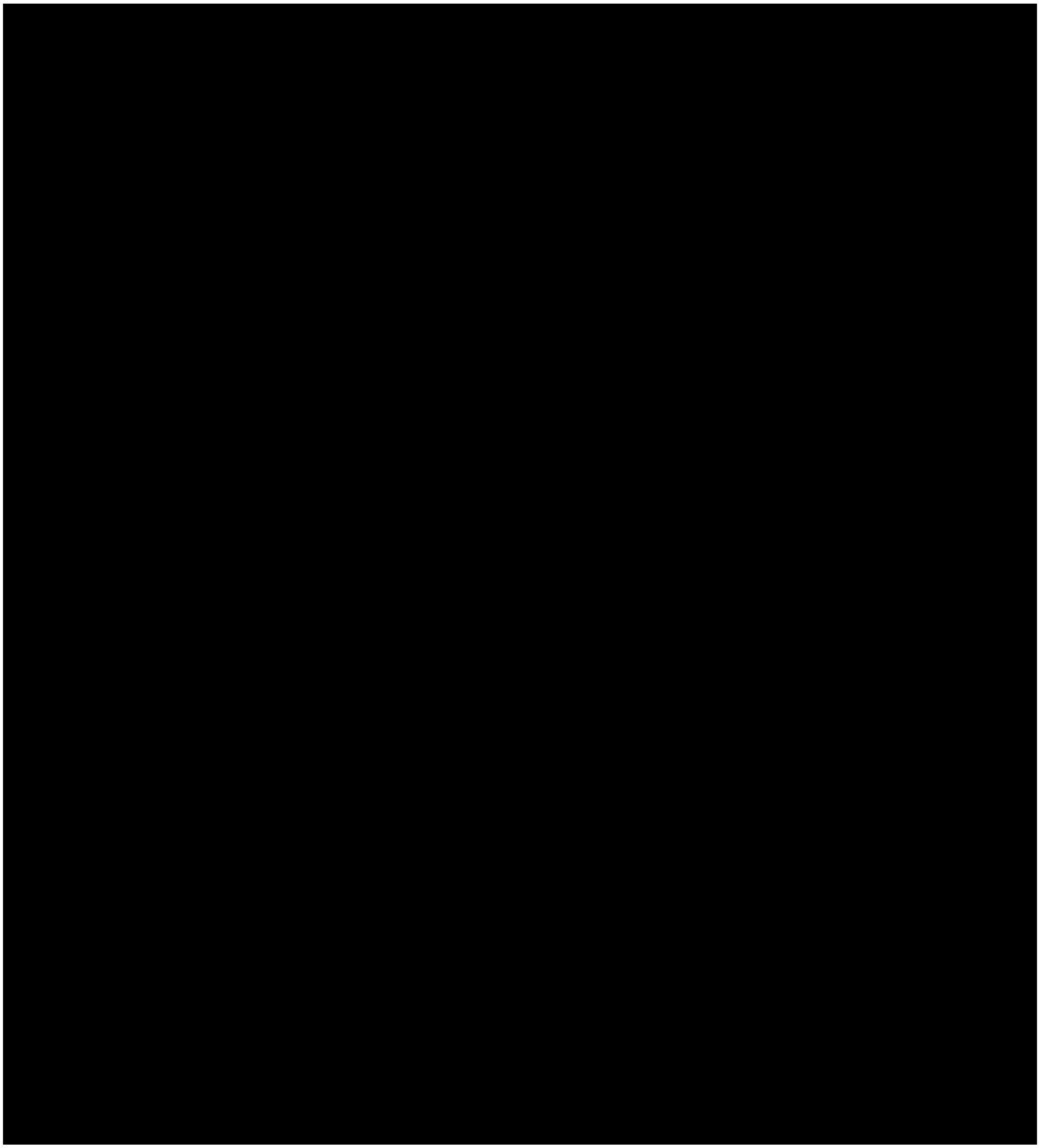



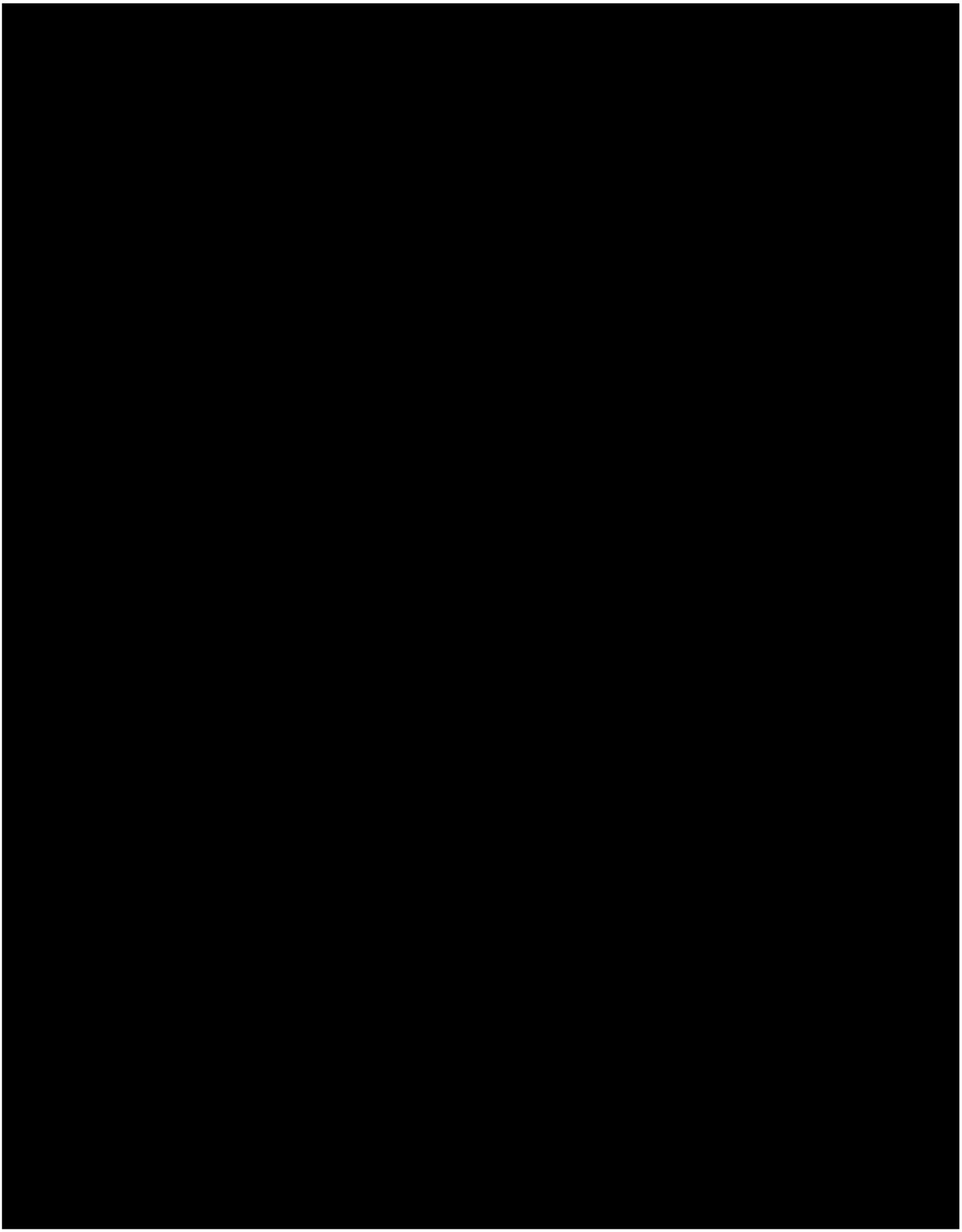

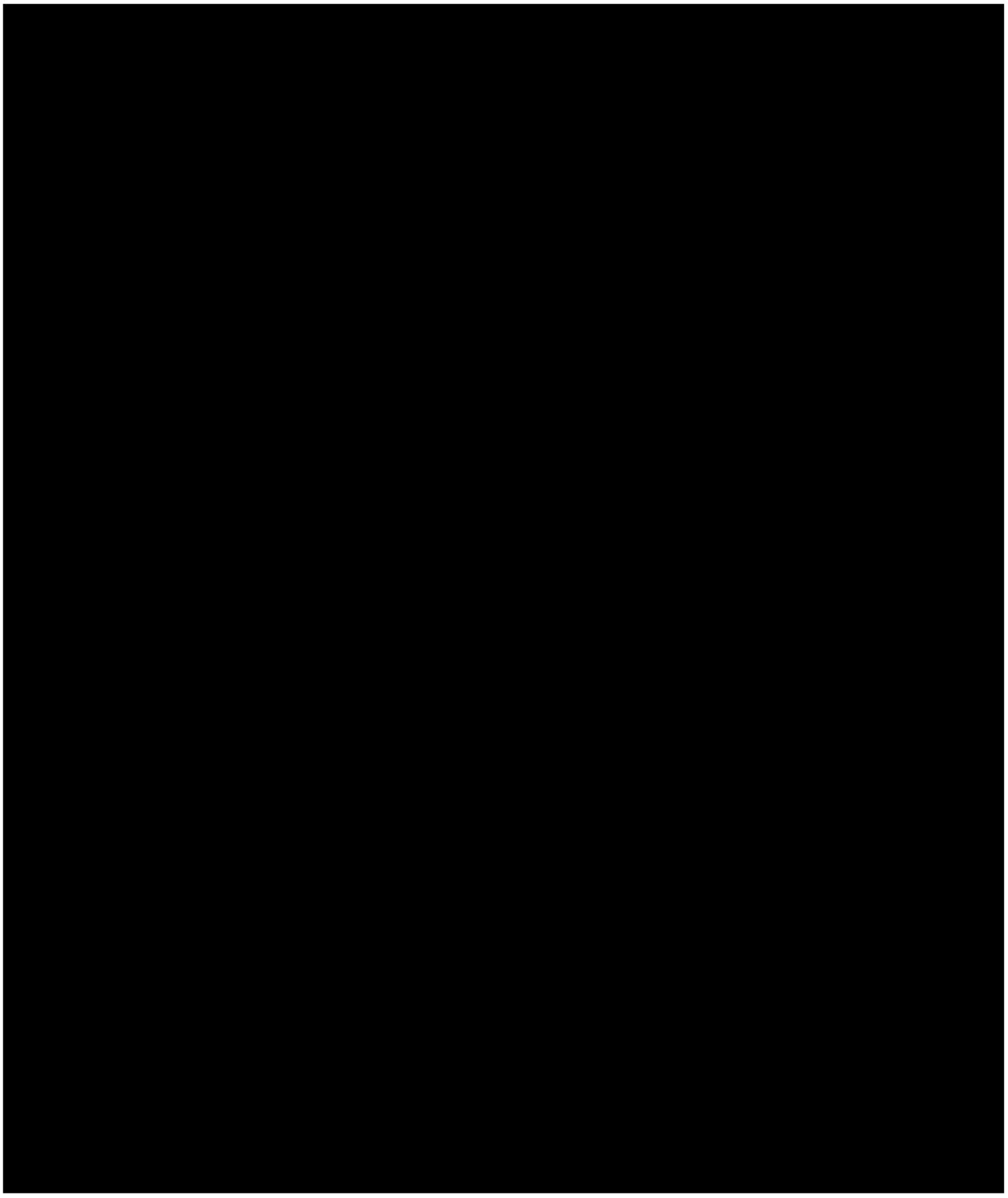

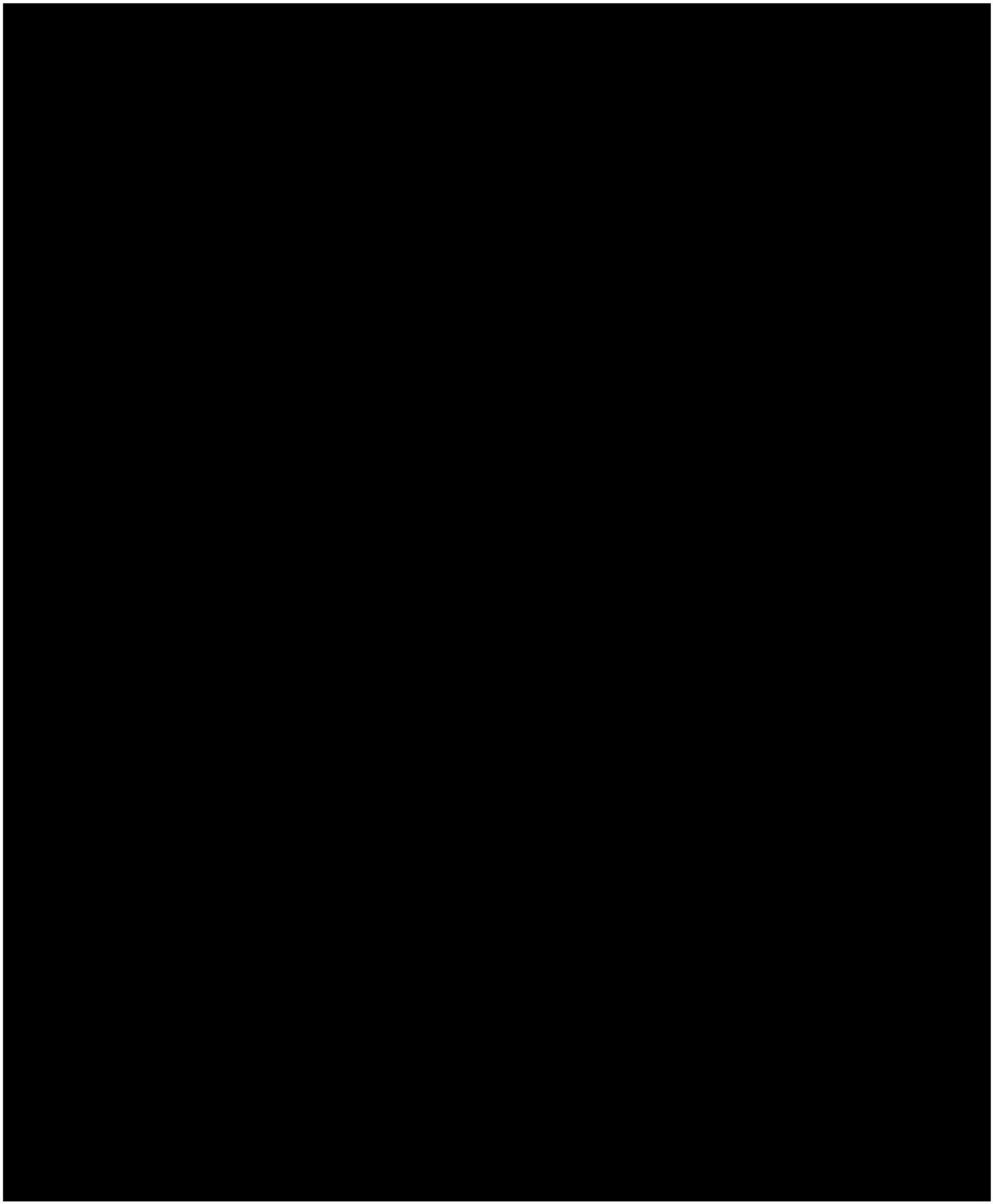

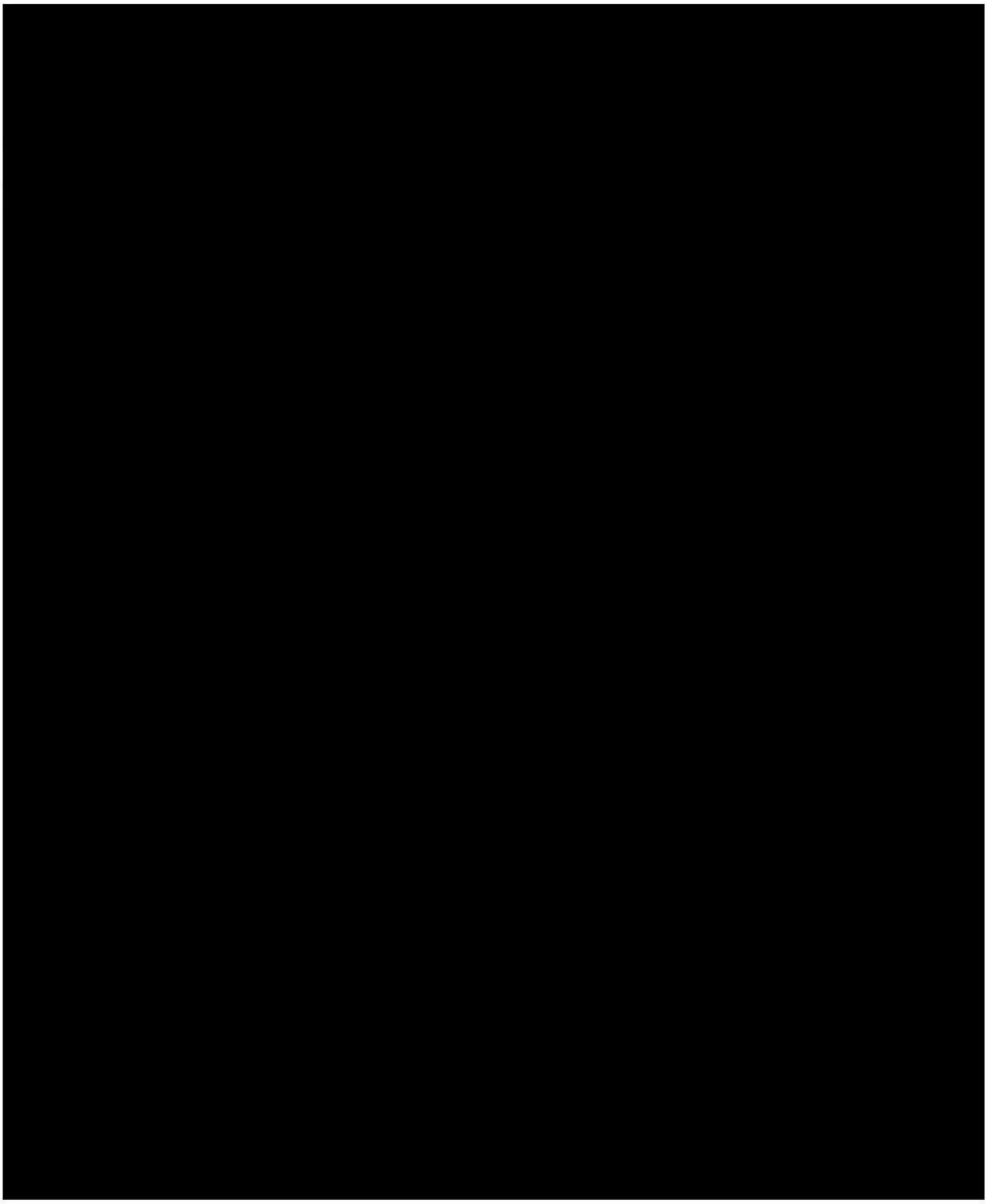

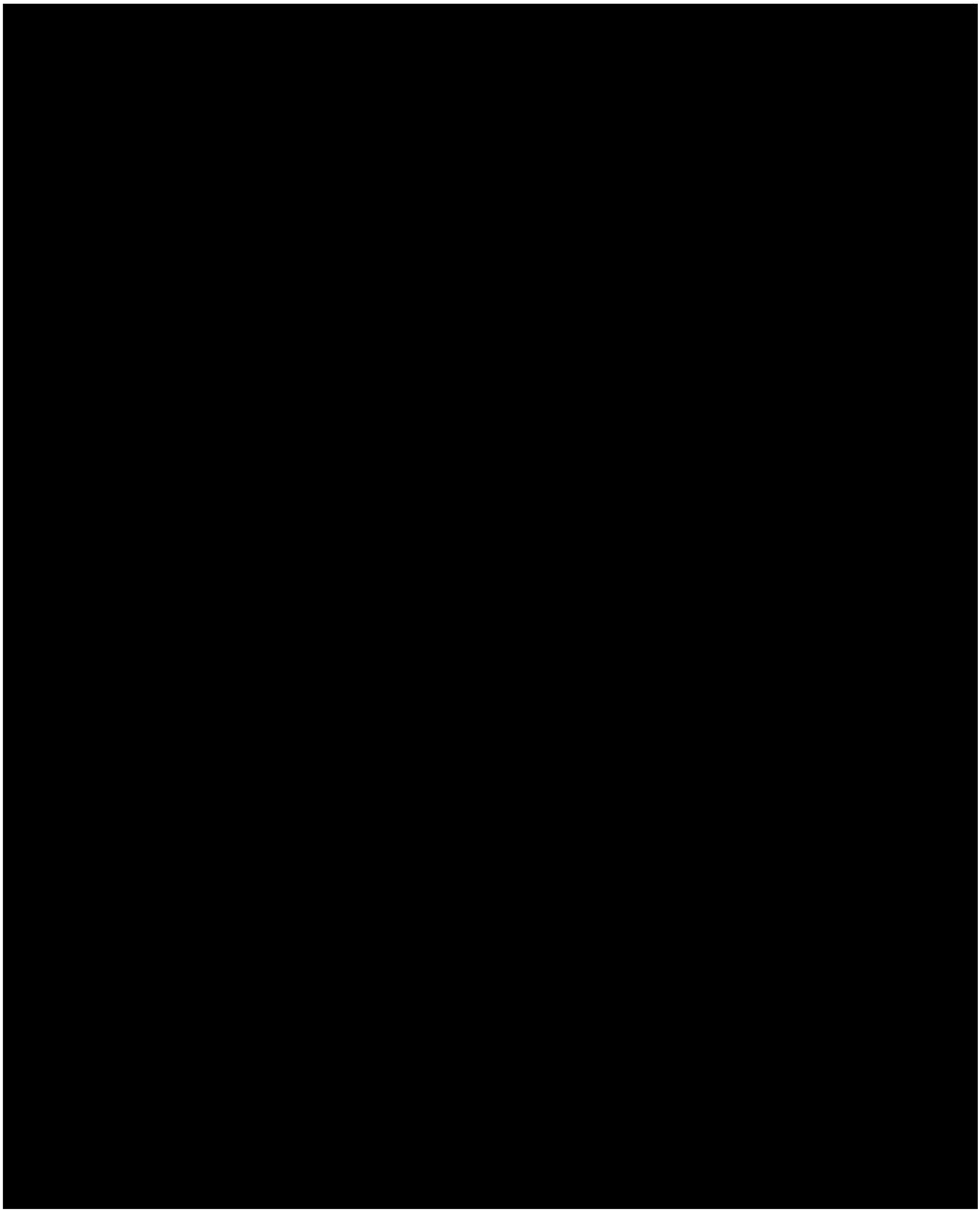

From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, November 2, 2021 12:52 AM
To: Giovanni.Glover@beaufort.k12.sc.us
Subject: Open Forum Digest for Monday November 1, 2021

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Nov 1, 2021

Discussions

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Lessons on Gender

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started 7 days ago, Gwendolyn Nauls (1 reply)

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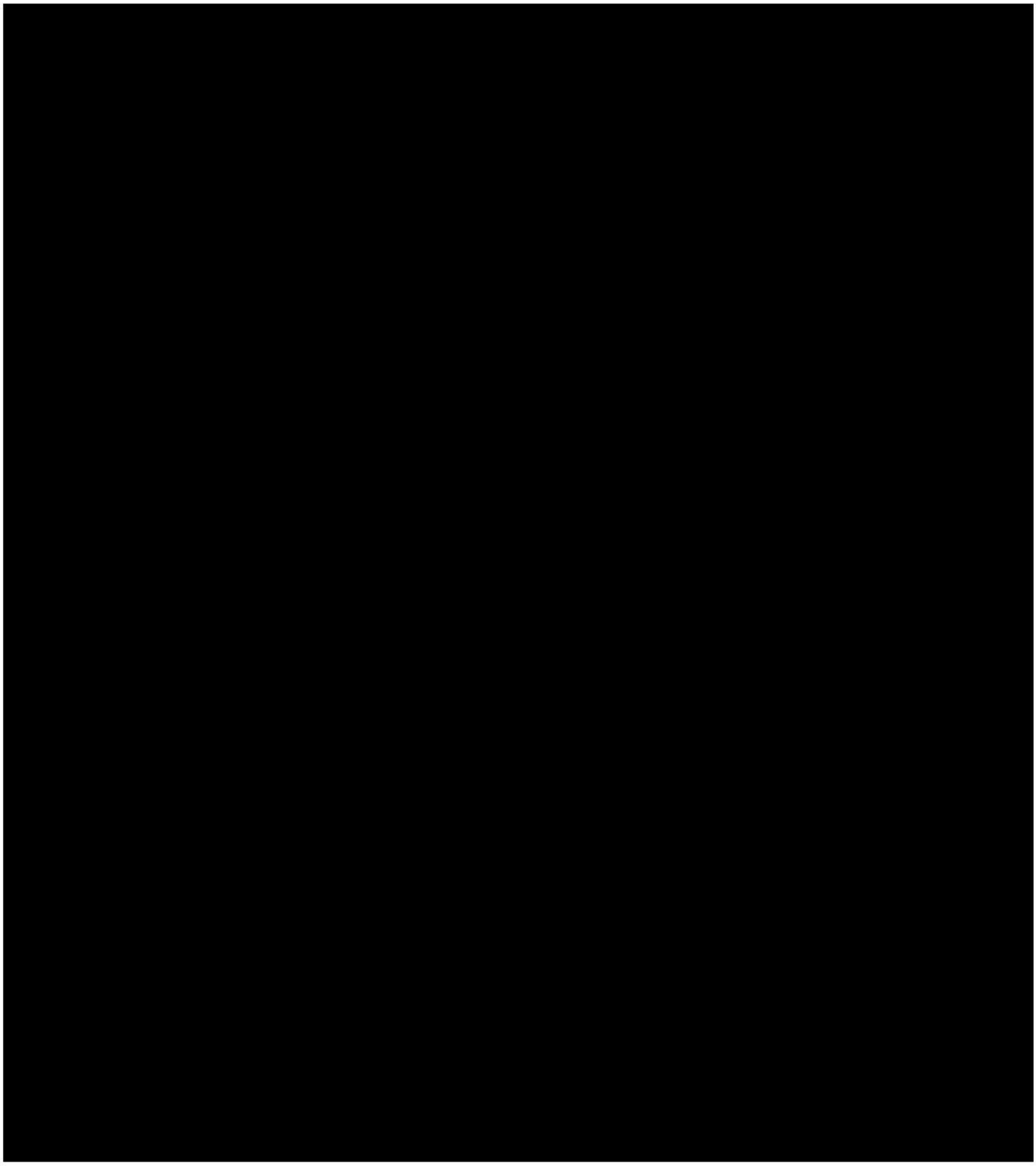









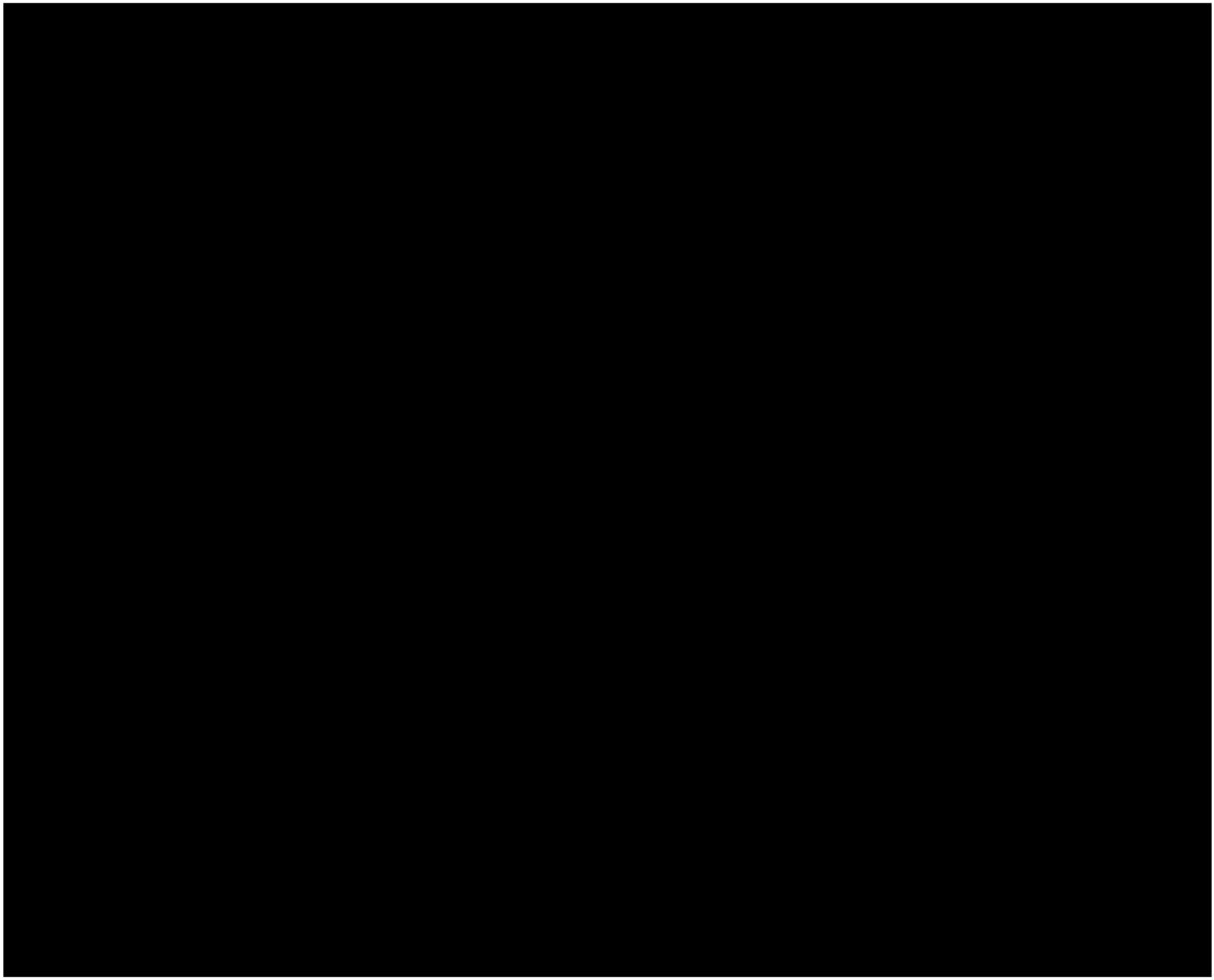



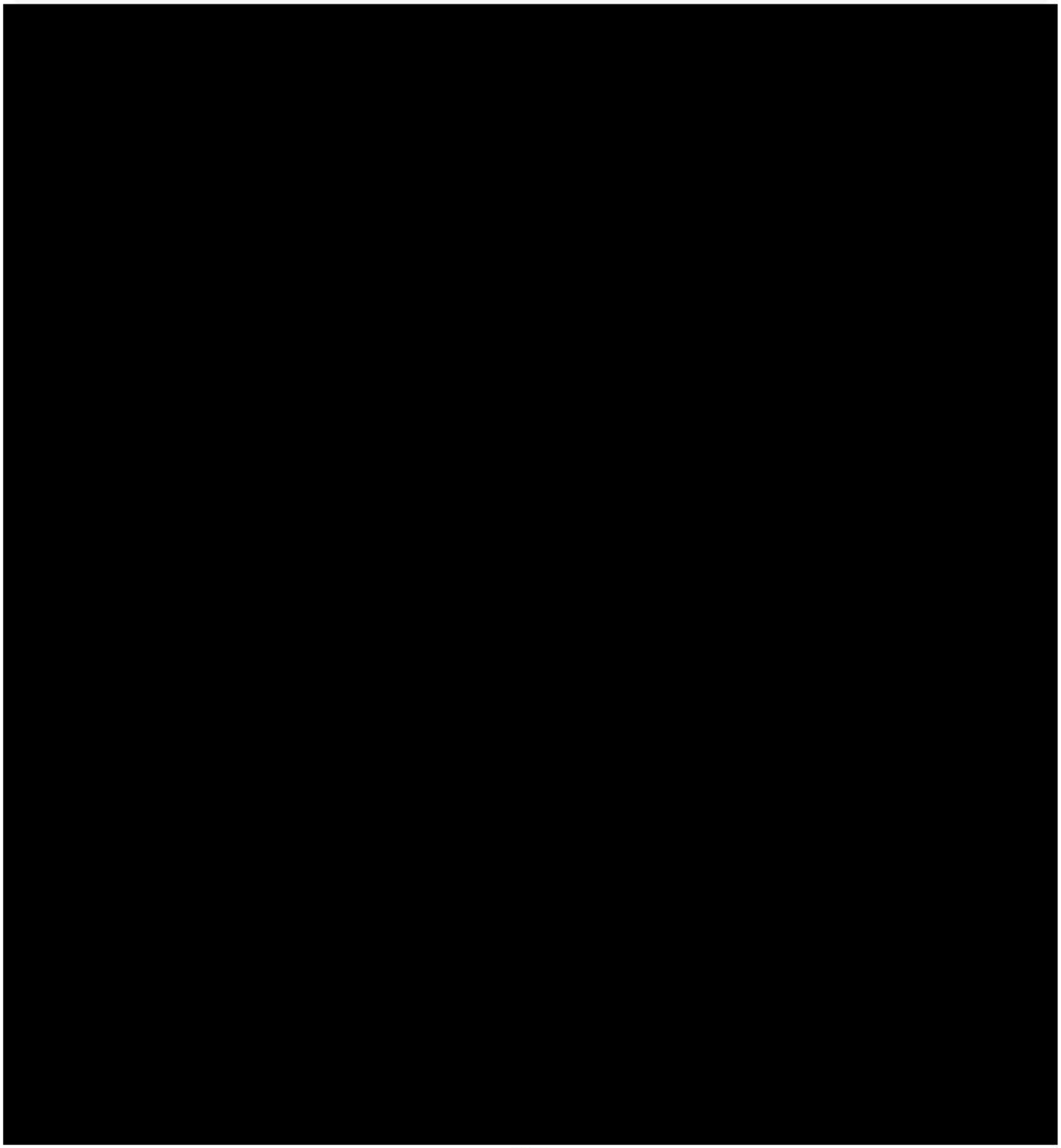

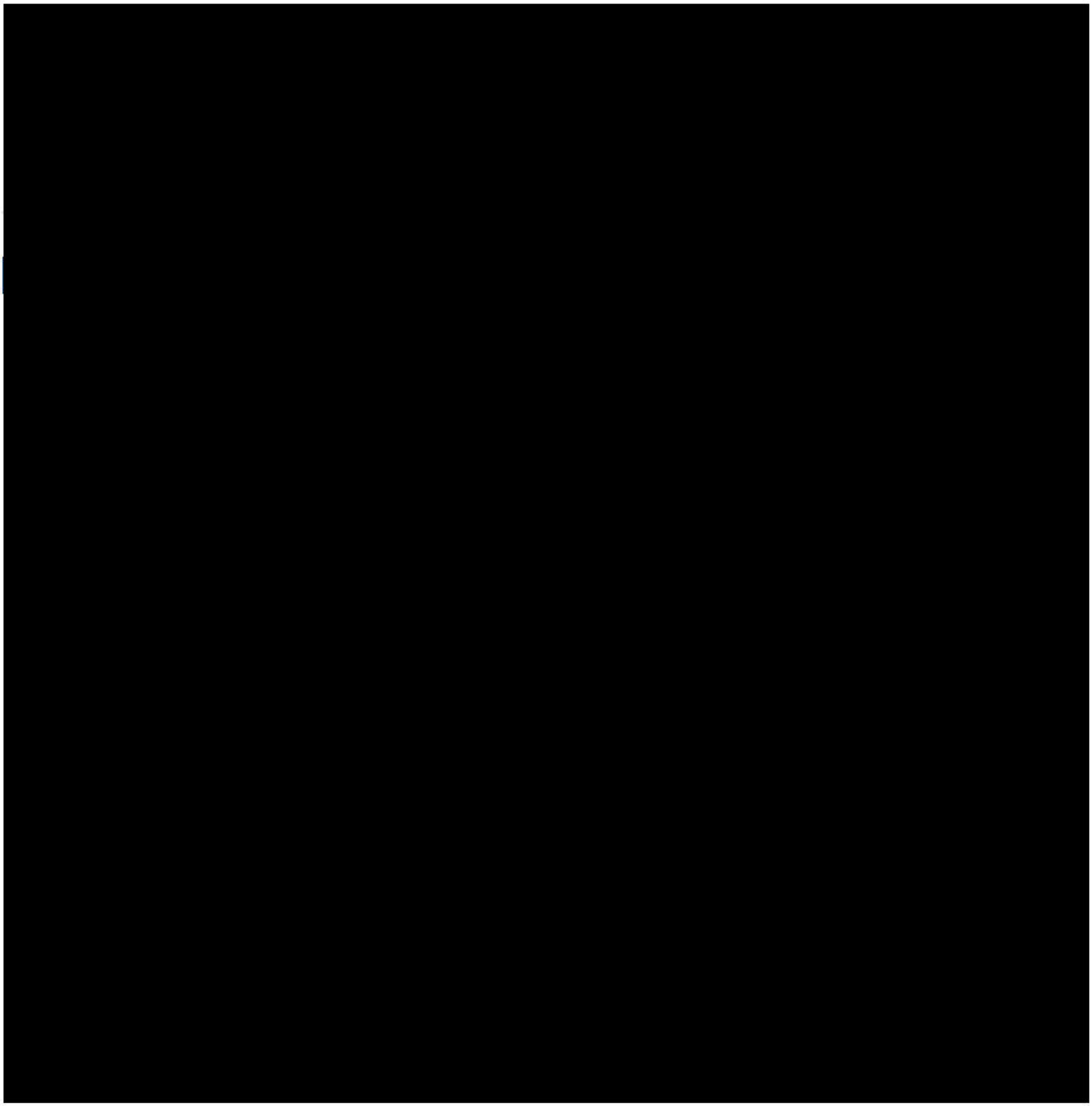

7. Re: Lessons on Gender

Reply to Group Reply to Sender

Nov 1, 2021 3:05 PM
Lisa Wofford

The Human Rights Campaign has some great resources. After 24 years working at elementary level, I am learning about this with a 5th grader. Check out these links. One of them has a gender support plan which we are considering using.
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Schools-In-Transition.pdf

Lisa Wofford
Ventura CA

Reply to Group Online **View Thread** **Recommend** **Forward** **Flag as Inappropriate**

Original Message:
Sent: 10-28-2021 11:11
From: Jennifer Walker
Subject: Lessons on Gender

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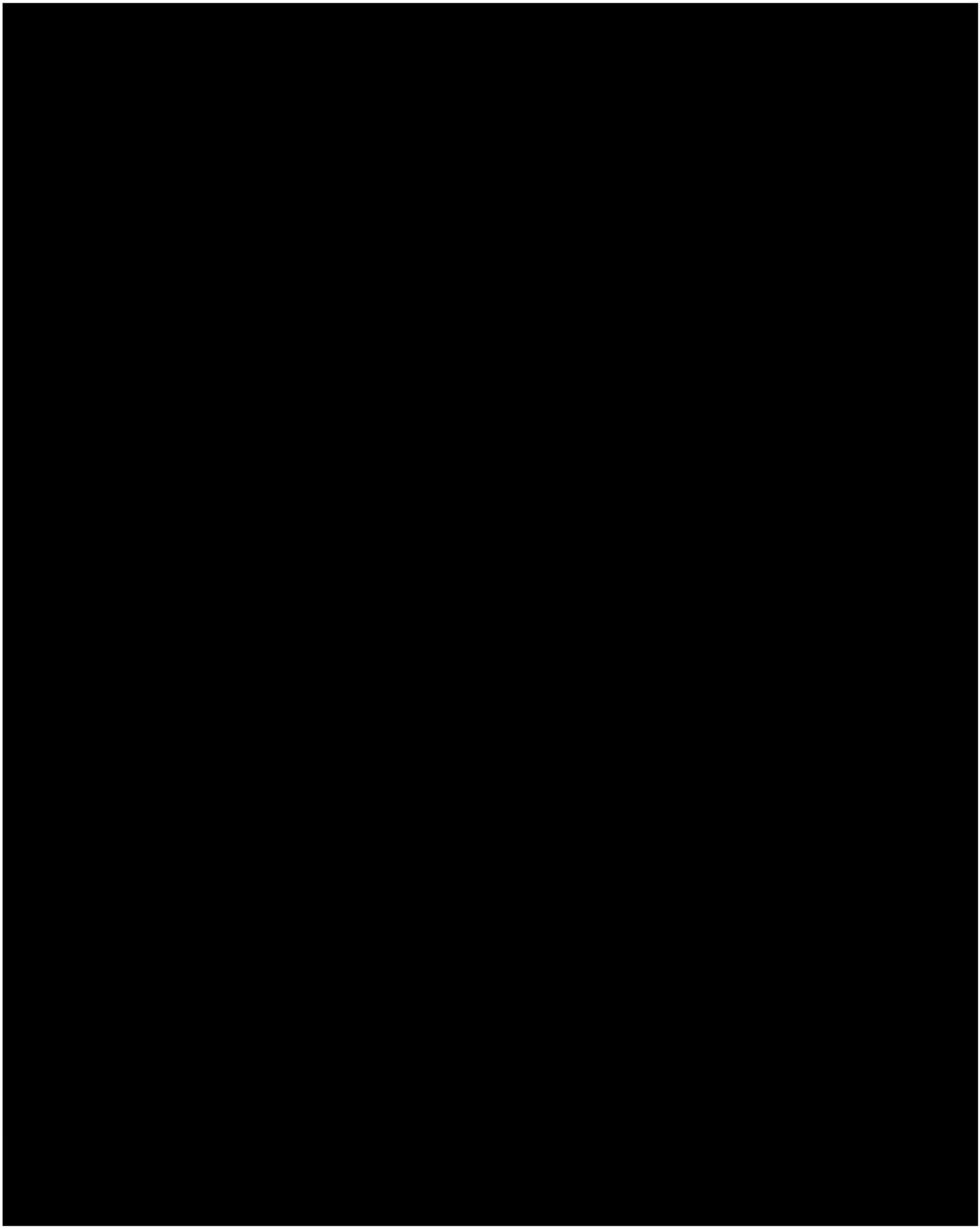
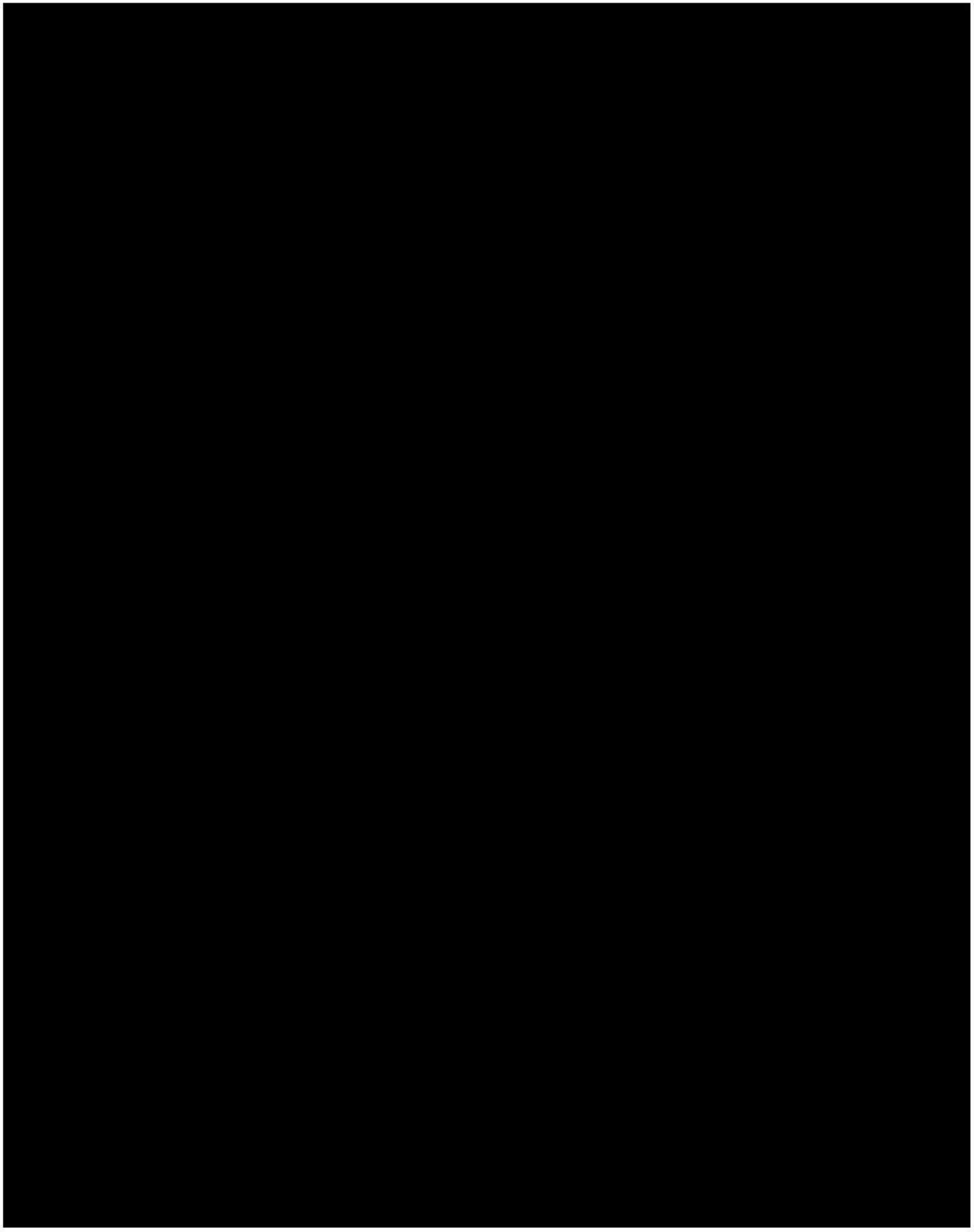
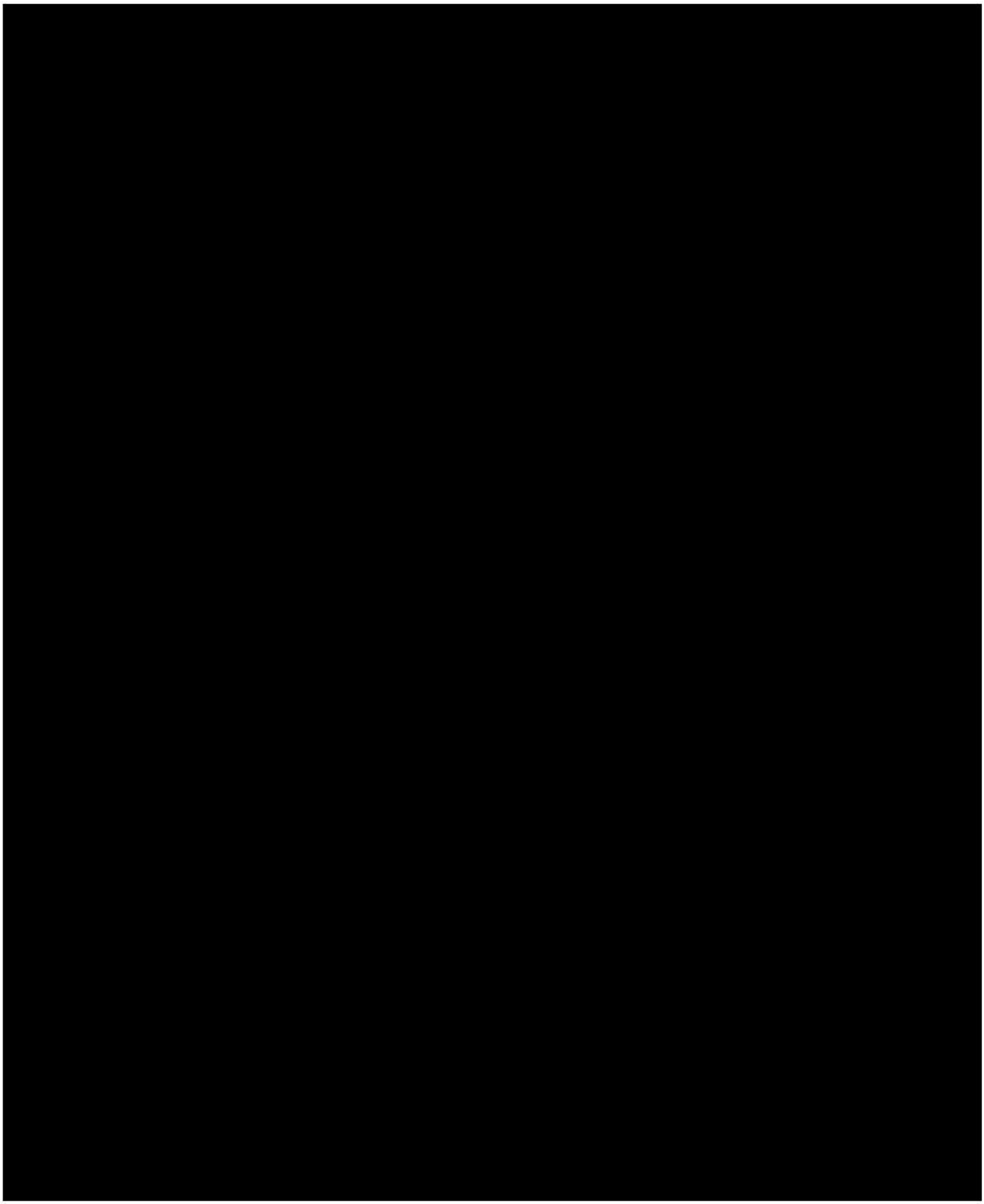
Does your district have a Gender Identity Equity Guideline or procedure in place? That would be another thing that should be in place.

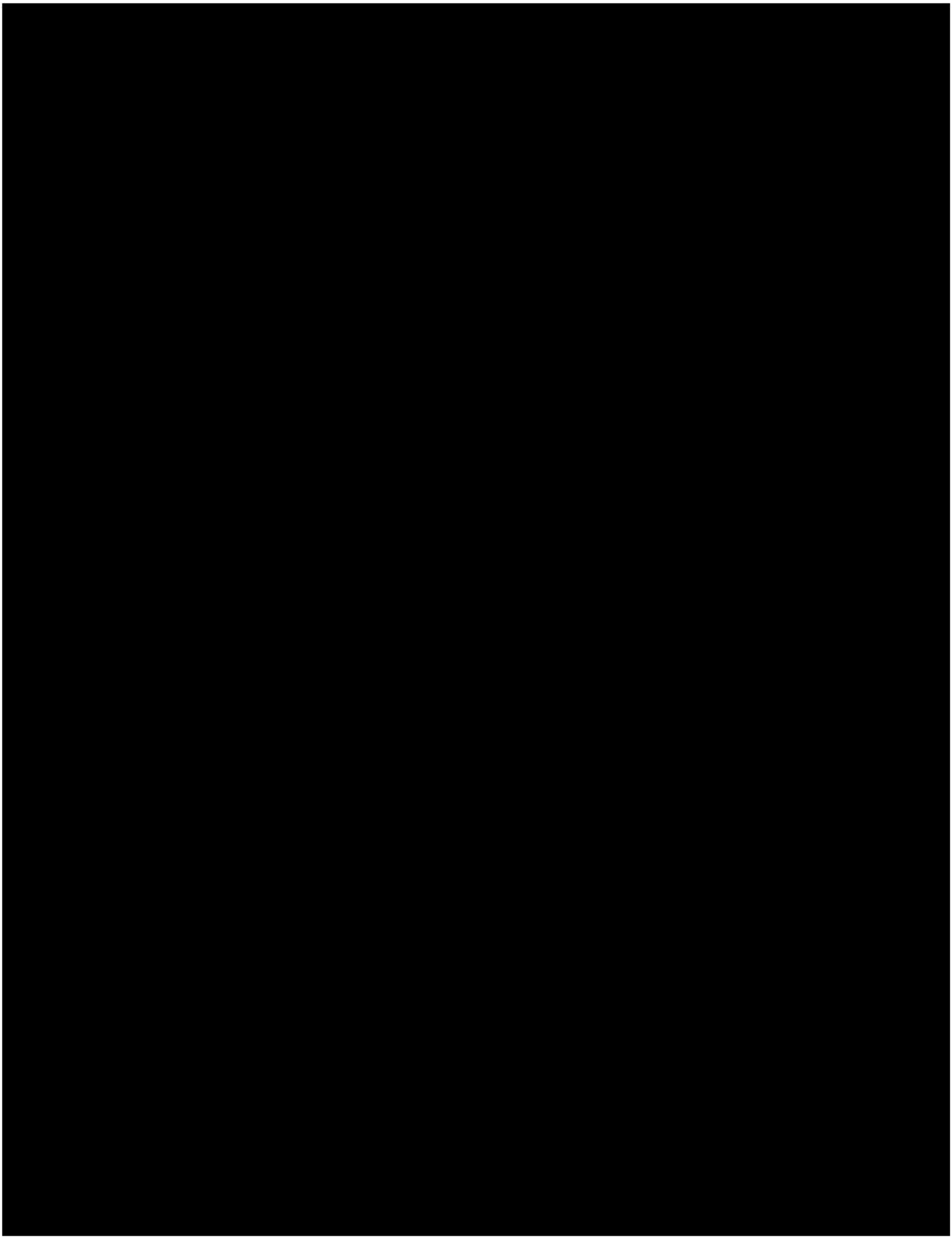
Jennifer Walker
Omaha Public Schools
Omaha NE
+1 (402) 557-3364

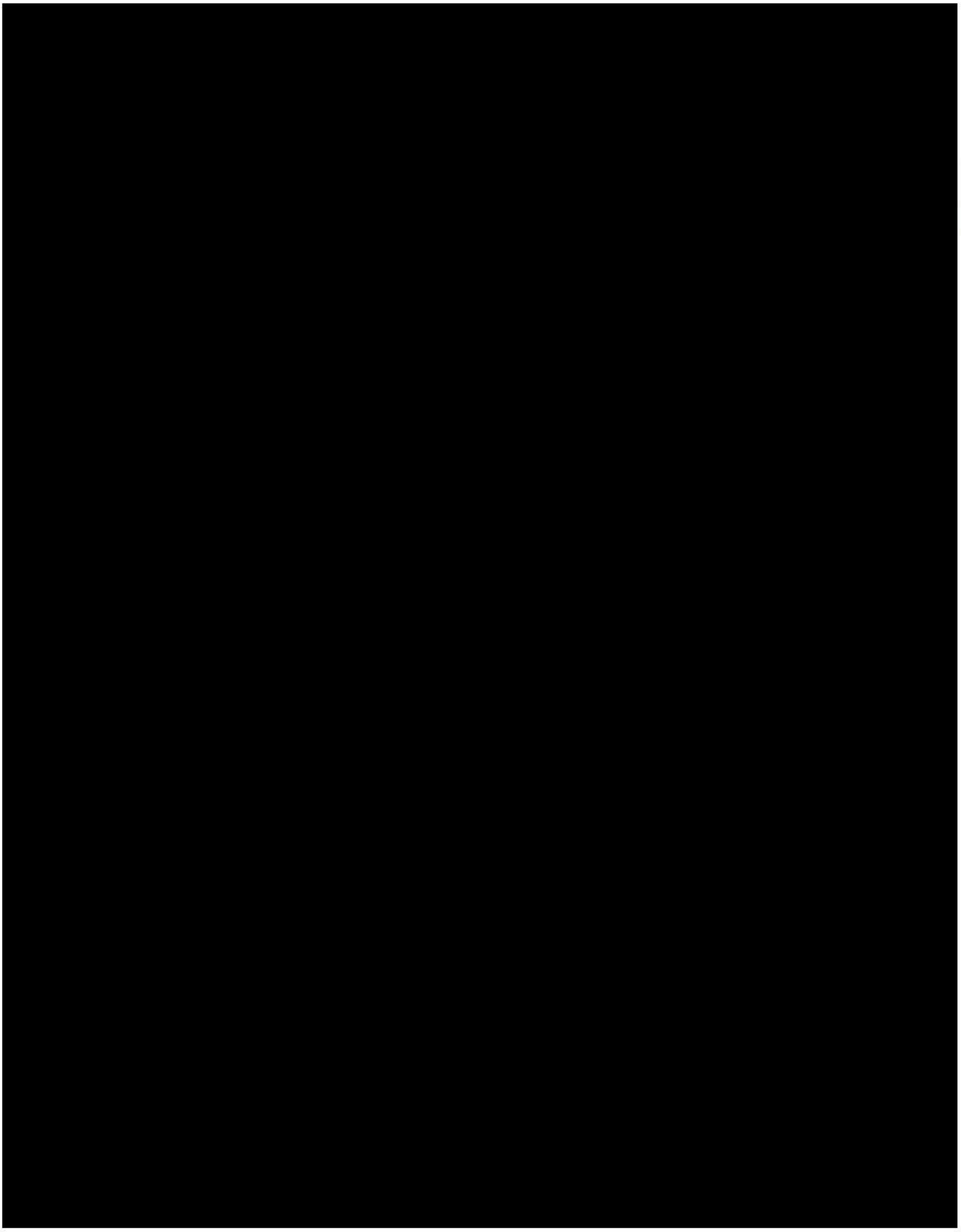
[redacted]

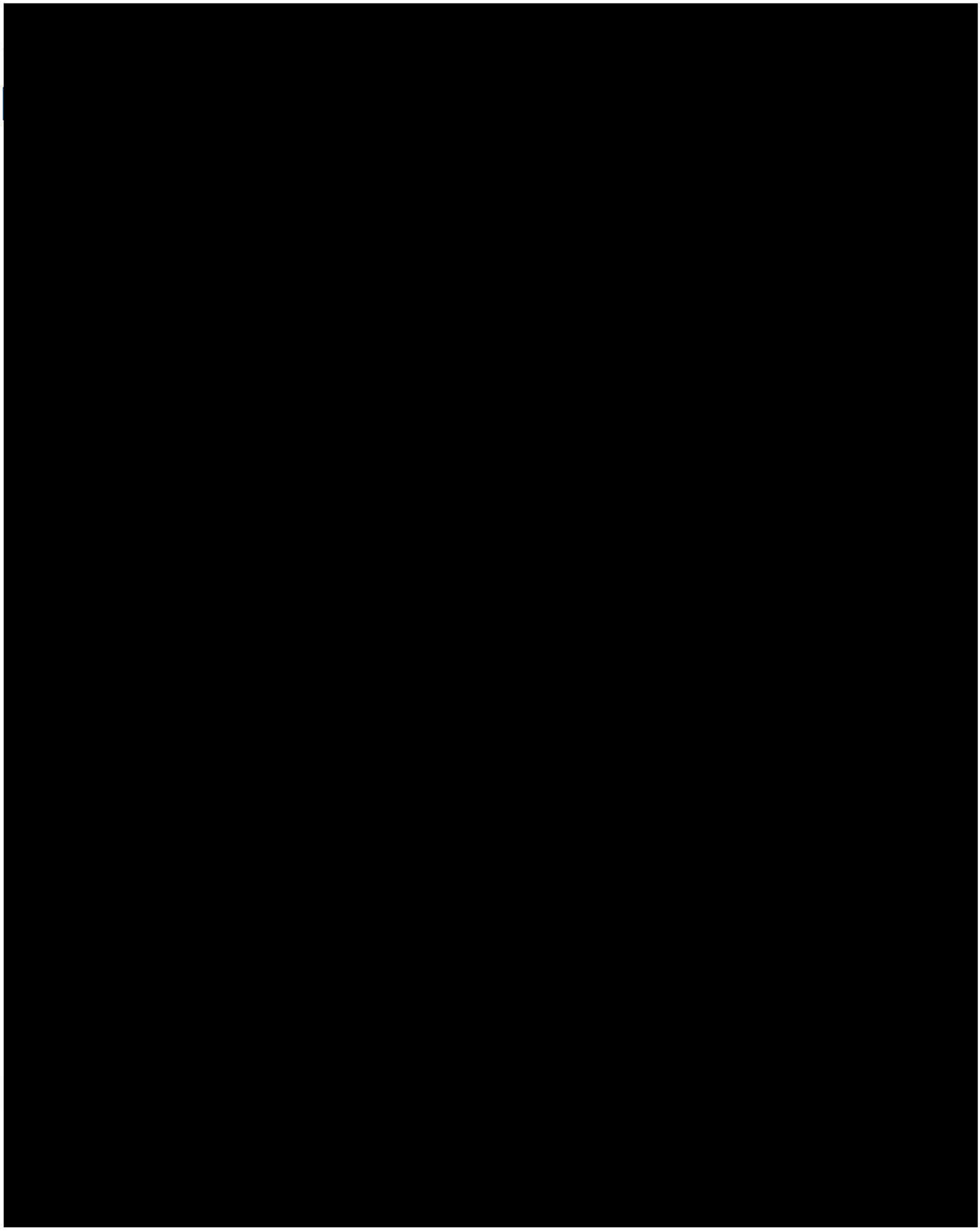












From: ASCA SCENE <DoNotReply@ConnectedCommunity.org>
Sent: Tuesday, November 2, 2021 12:39 AM
To: timothy.keck@beaufort.k12.sc.us
Subject: Open Forum Digest for Monday November 1, 2021

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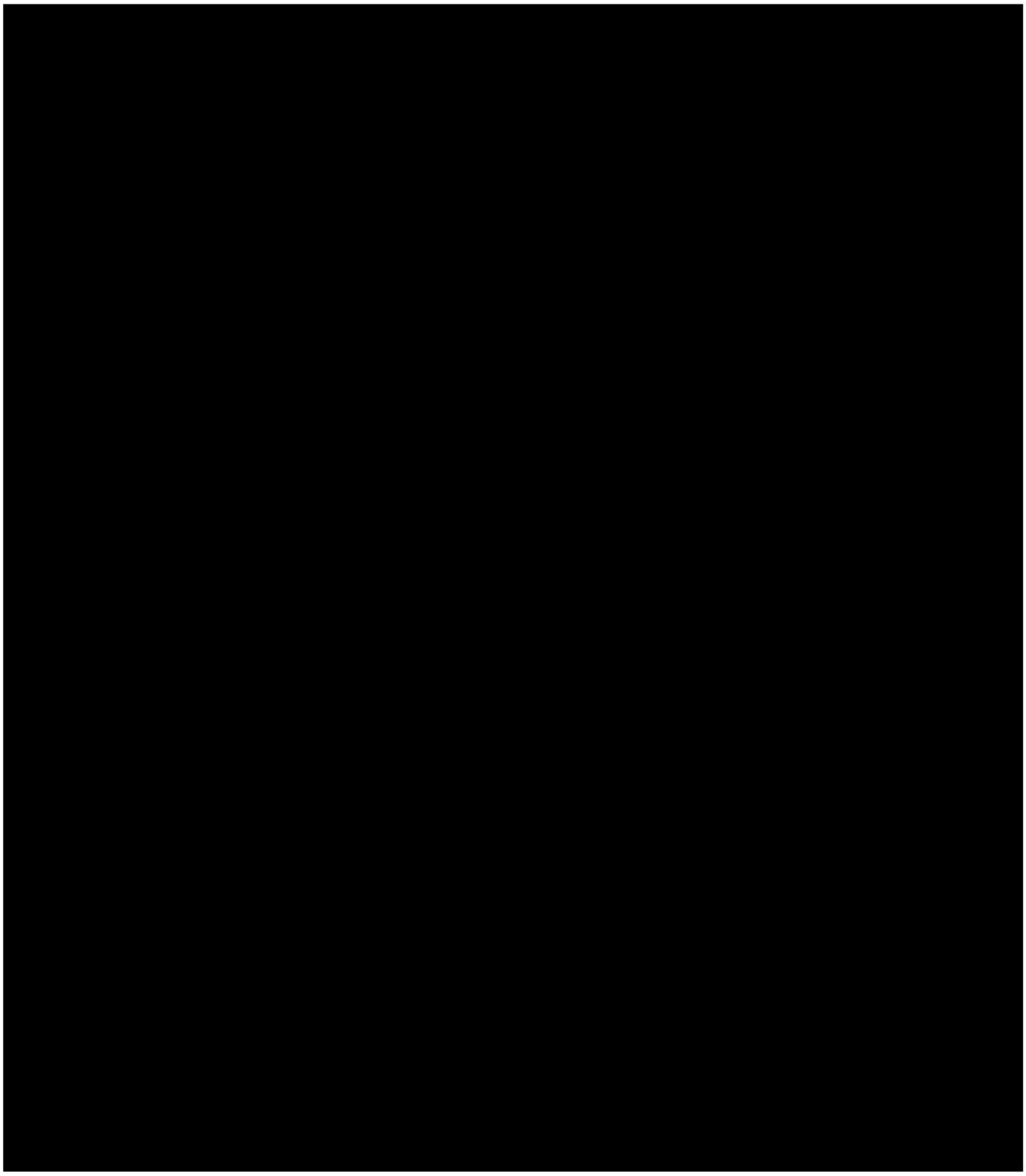







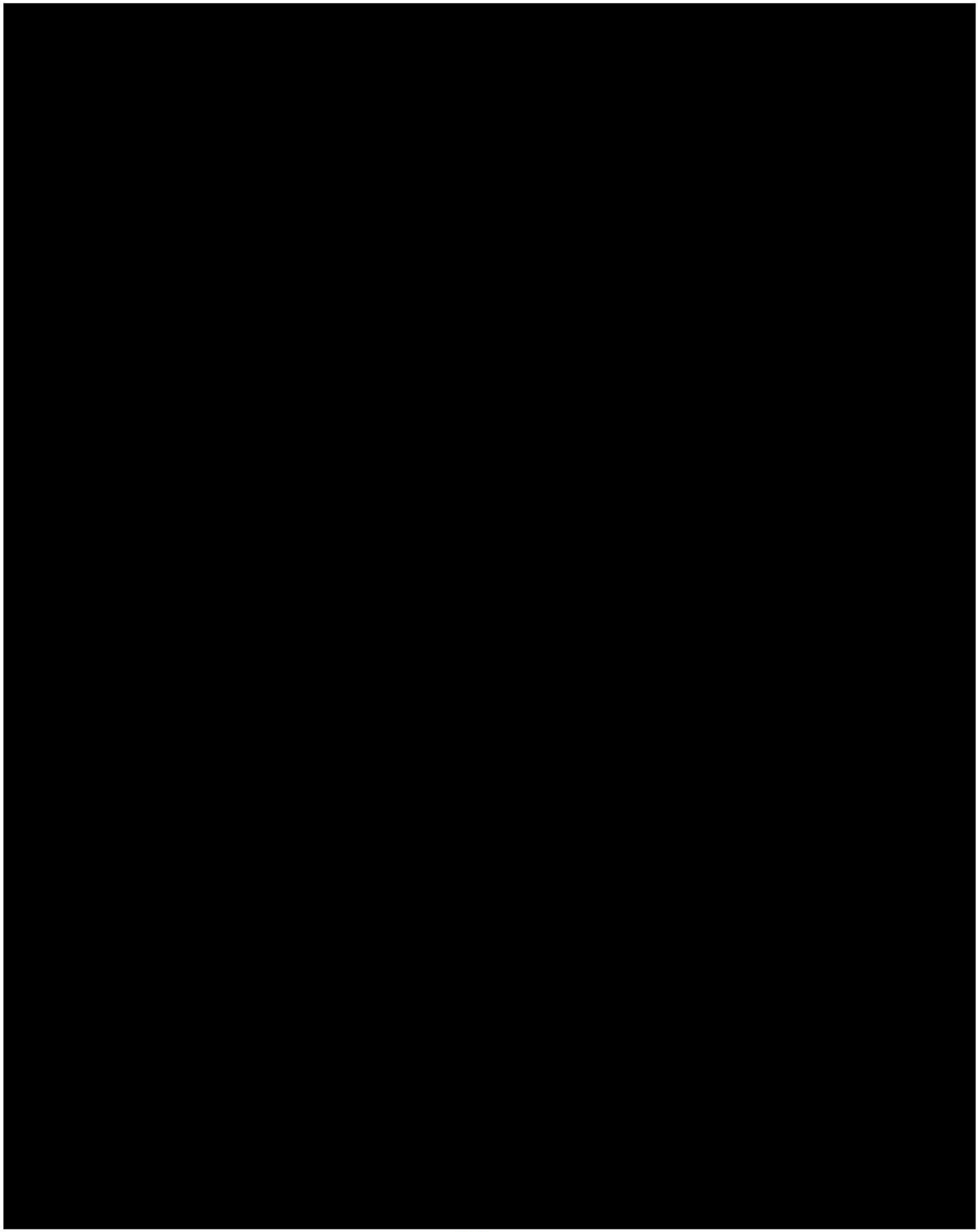

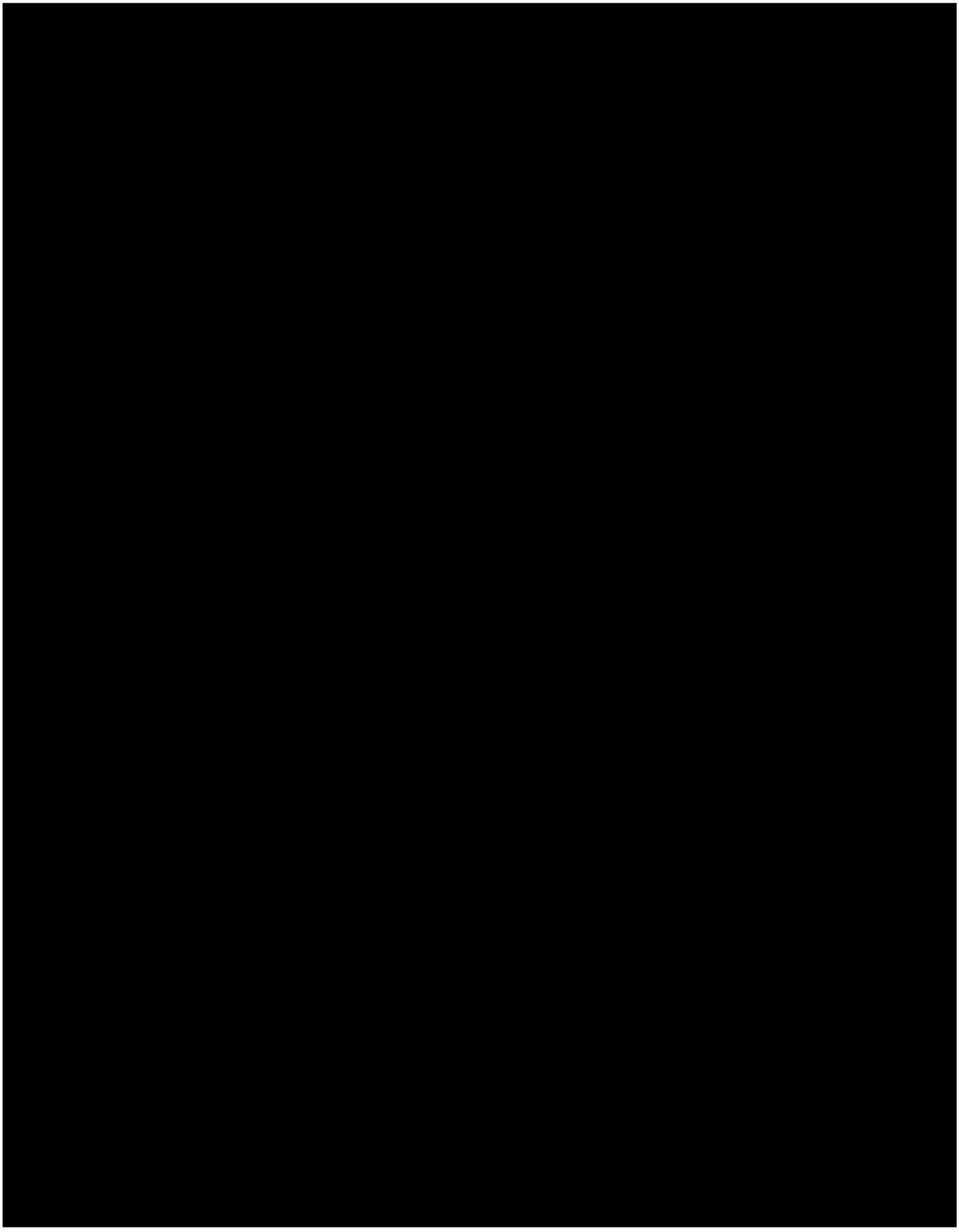

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Ventura CA

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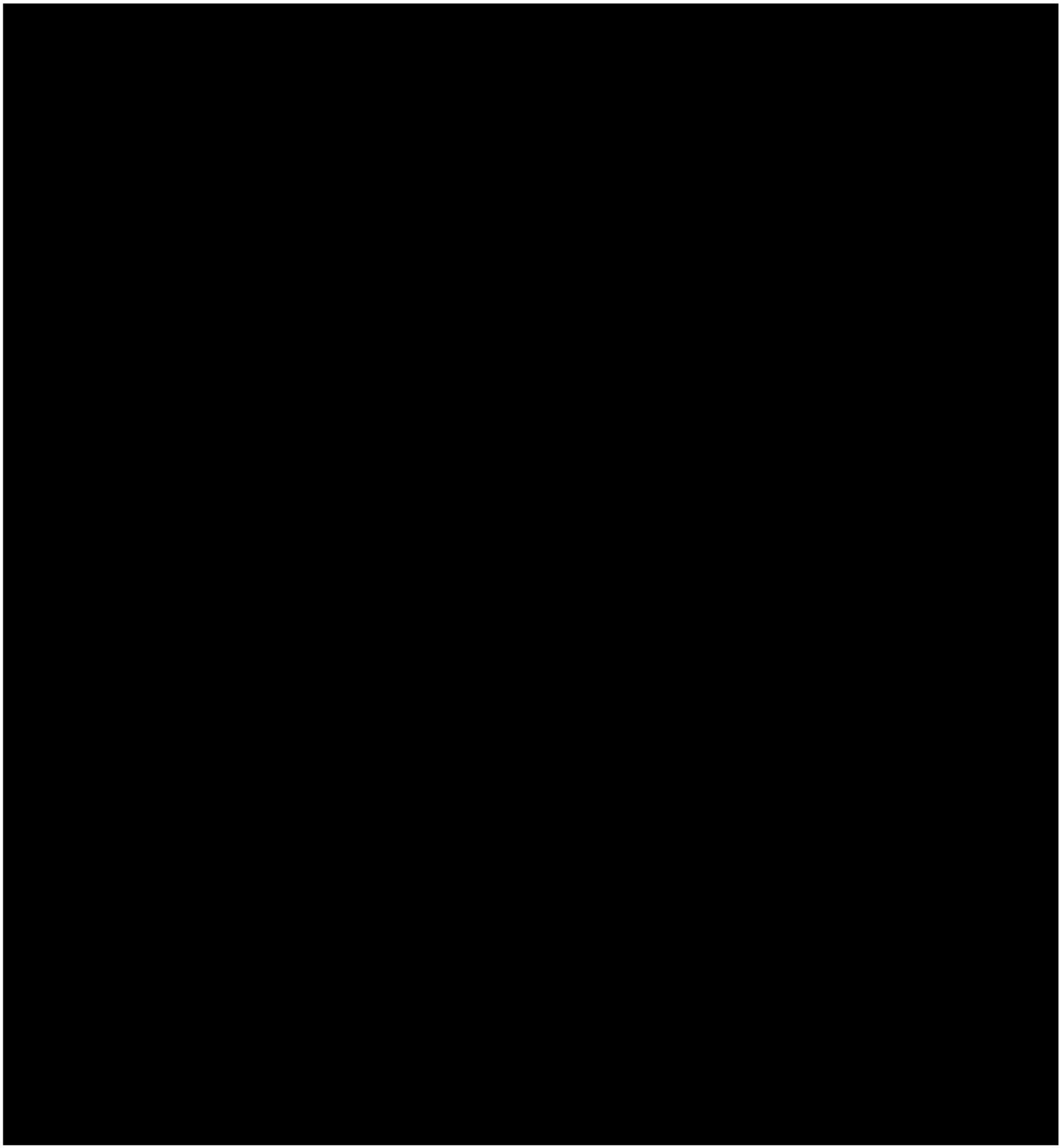



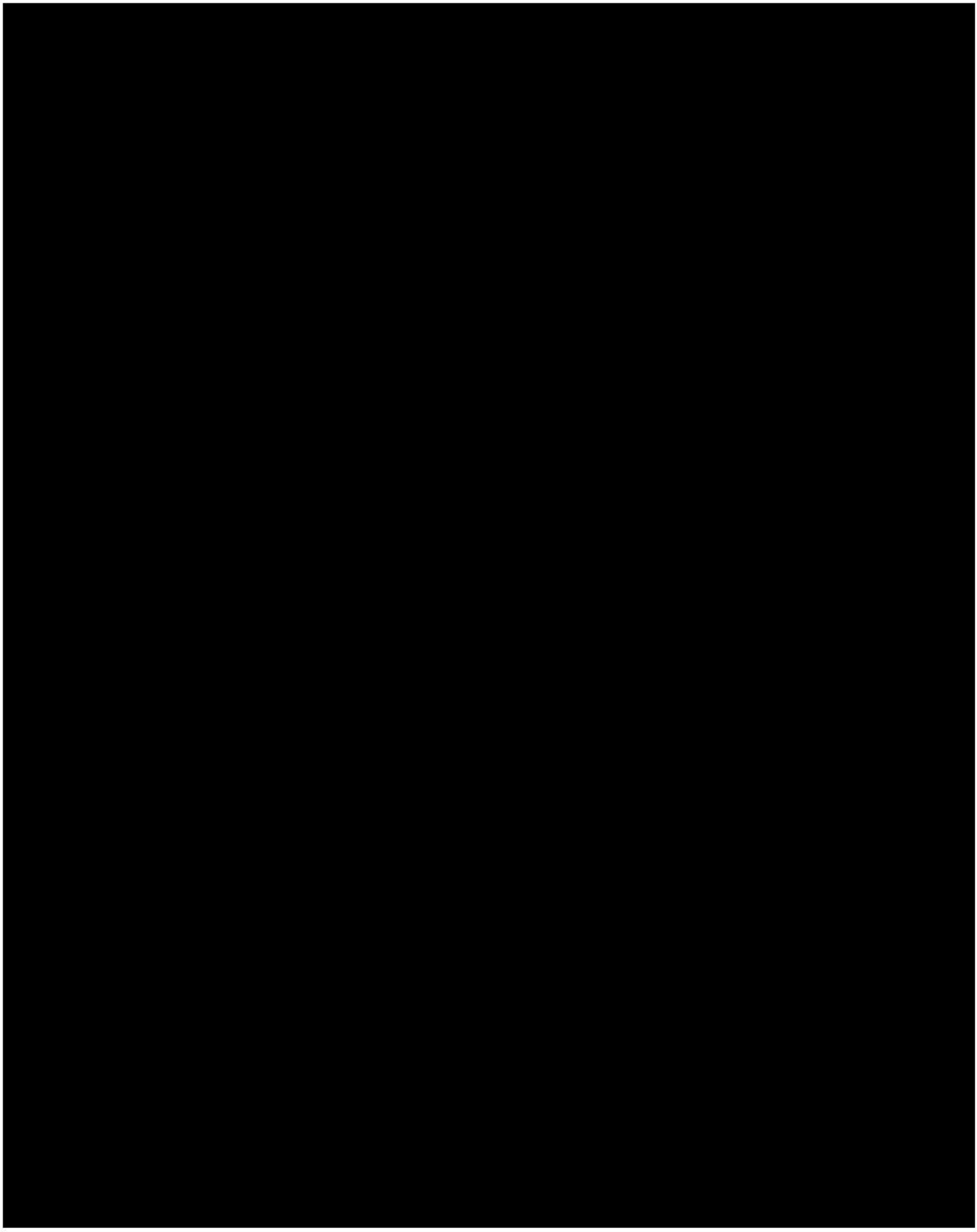

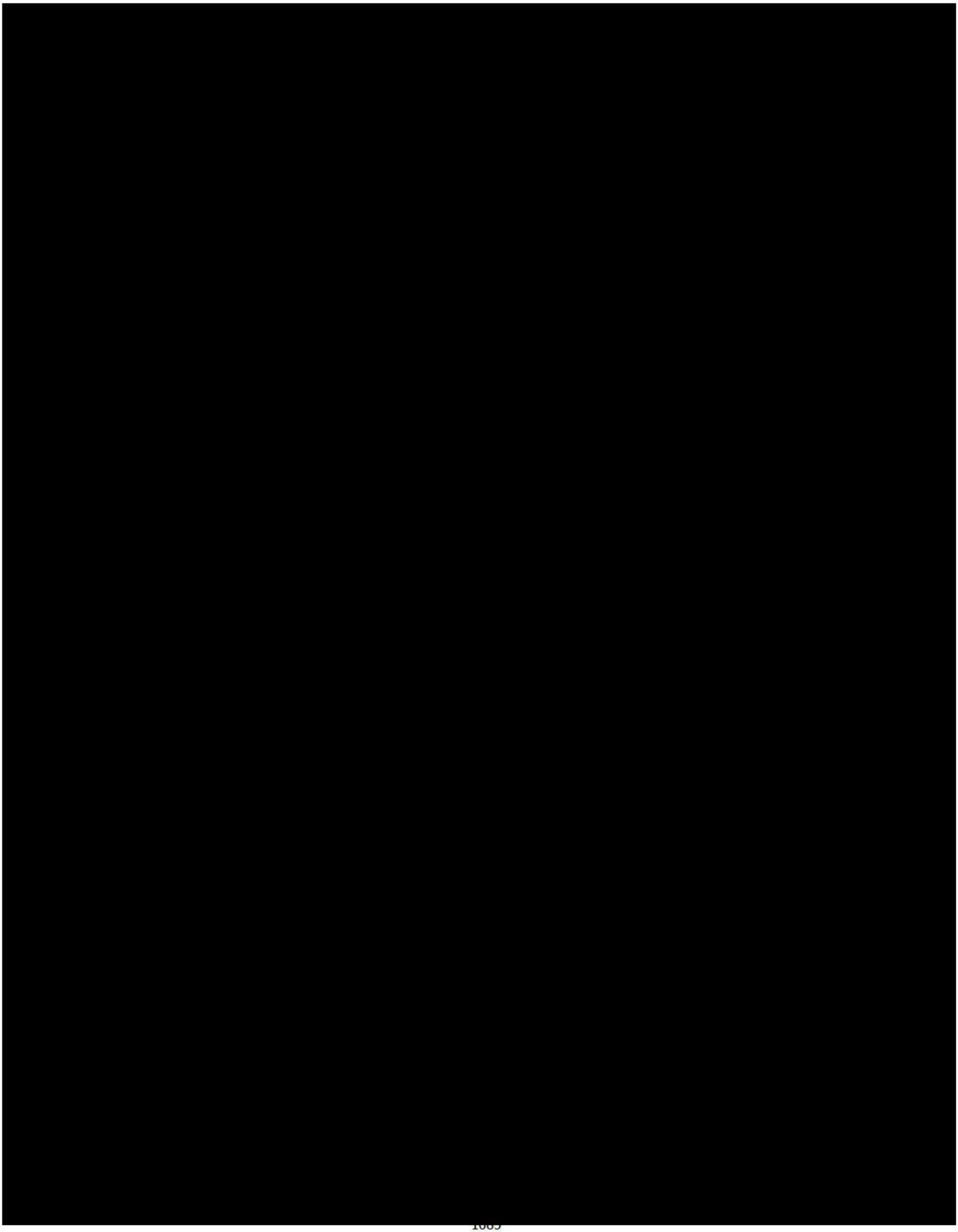



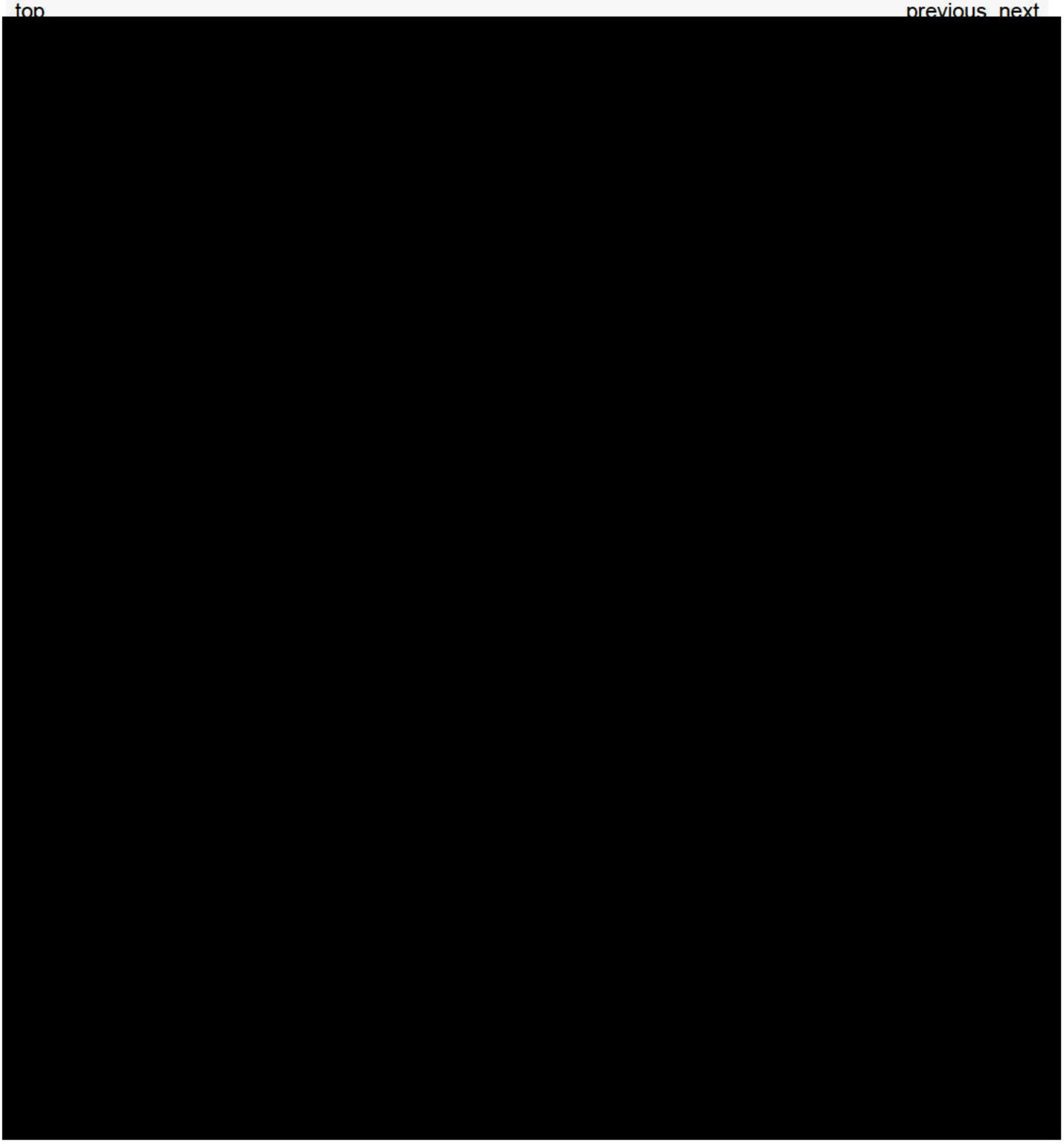

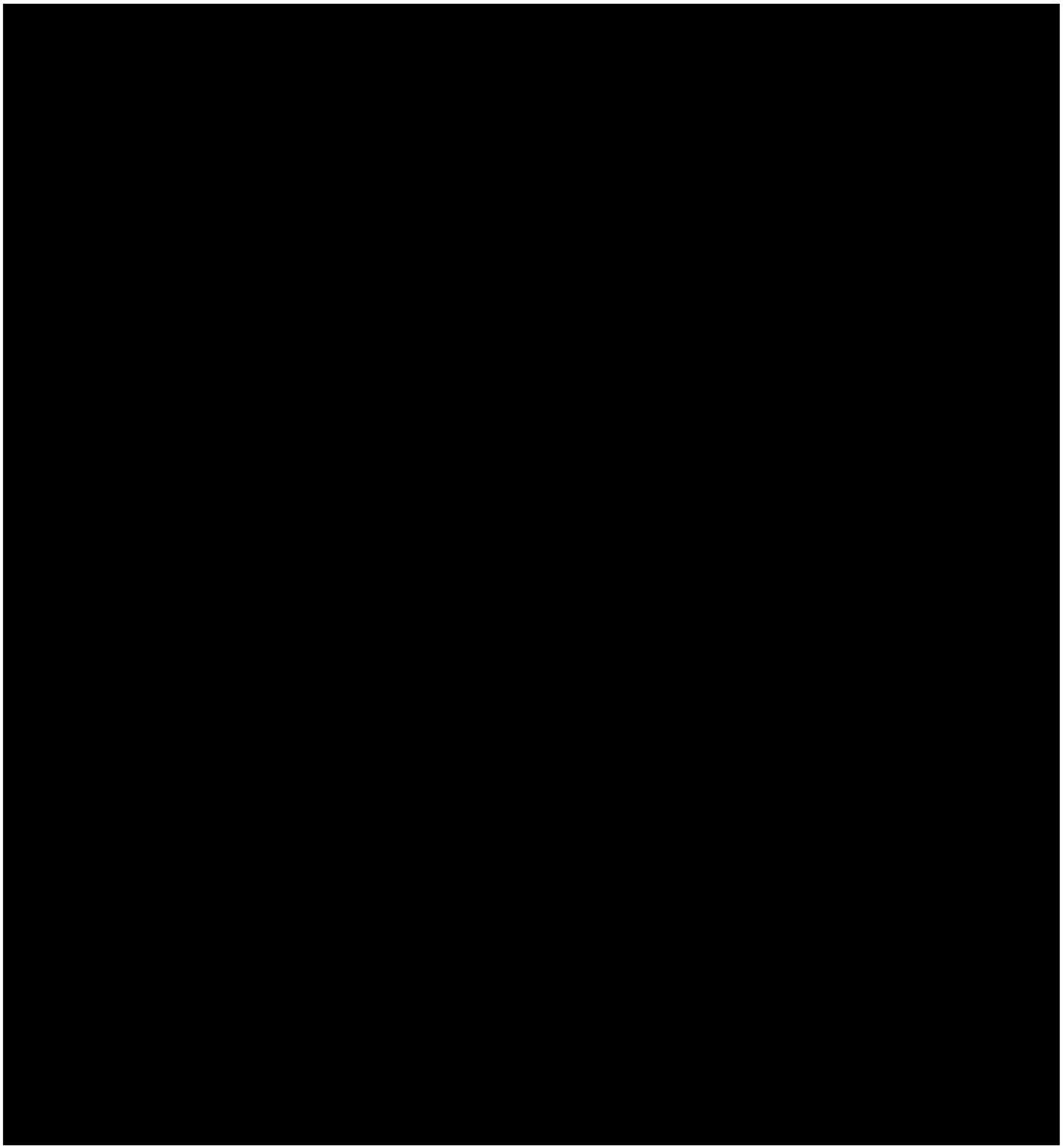

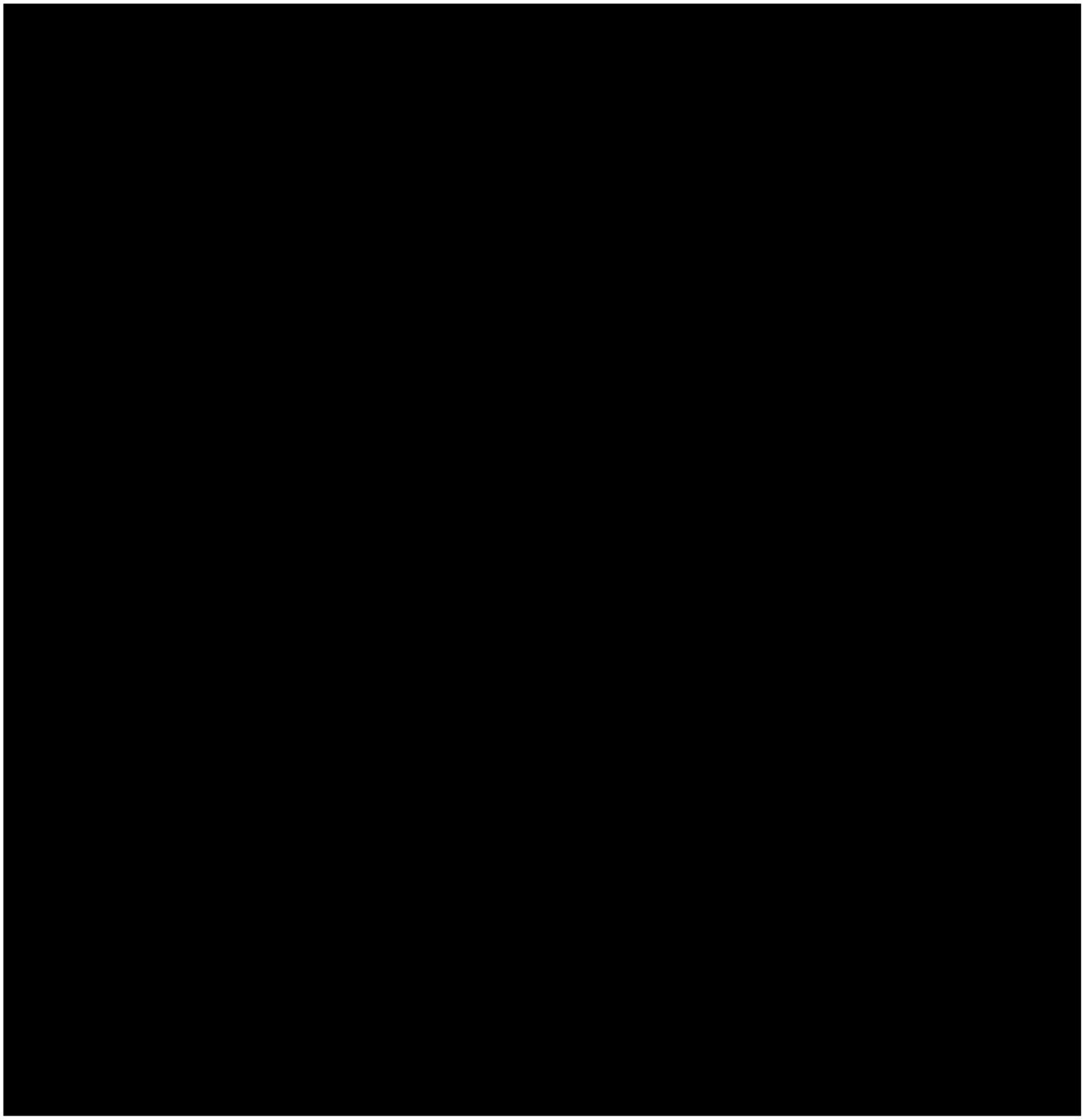

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