



Information for Teachers on FL HB 1557 & HB 7

Since Florida Laws HB 1557 (“Don’t Stay Gay or Trans”) and HB 7 (“Stop WOKE Act”) came into effect on July 1, 2022, there have been many educators trying to ascertain what is and is not allowed in the classroom. Some of the questions teachers are asking include:

- Whether students are required to use only restrooms and locker rooms that align with the sex designation on their birth certificate.
- Whether teachers can still display photos of their same-sex partners and talk about their LGBTQ+ family members.
- Whether teachers can still display pride flags or safe space stickers in their classroom or on their person.
- Whether a school can or will be forced to remove all books that reference gender identity or sexuality.
- Whether teachers can teach books that discuss the lives of LGBTQ+ people, or refer to historical figures' gender identity.
- If a student discloses their LGBTQ+ status to a teacher, whether teachers are required to notify the student’s parents.
- Whether teachers can use pronouns that align with a student’s gender identity?
- Whether my school is required or allowed to disband the Gay-Straight Alliance and other LGBTQ+ friendly clubs.

Existing law:

Federal Law: Title IX of the Education Amendments of 1972 states that, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” The Office for Civil Rights has clarified that it will enforce Title IX’s prohibition on discrimination on the basis of sex to include gender identity, sexual orientation, and sex stereotypes (gender expression).

Under Title IX, students are protected from direct discrimination by school staff. This may include, for example: failure to allow a student to dress in a gender nonconforming way in a yearbook photo, at a prom, or at school; failure to allow a student to use bathrooms and locker rooms consistent with their gender identity; unfair discipline against LGBTQ+ students; harassment by educators; or denial of privileges based on gender. If a school fails to provide effective remedial action when a student is harassed or bullied on the basis of gender, that is a form of discrimination under Title IX.

State Law: Florida Laws HB 7 and HB 1557 are currently being litigated in court. There are still lots of questions about how it is going to be enforced and its enforcement may differ by school district.

Best practices: If you or others at your school are facing similar issues, we suggest keeping a detailed log of your encounters with school personnel as it relates to these laws and getting any and all directives in written form if possible.

Forcing decisions out of decision makers: A helpful way to determine how and to what extent your school administrators and school board will enforce HB 7 and HB 1557 is to ask them directly how you should handle a specific scenario (such as the ones listed above) or what your obligations are under the new laws. Their responses should be saved if they are in writing, and logged in detail if they are in person (though you may consider sending a recap email after your in-person conversation to summarize the directives you were given).

Next Steps: If you have additional questions or concerns related to these laws and their effect, feel free to fill out Human Rights Campaign’s [intake form](#) with as many details as possible. Everything you share with us will remain confidential.