



Iowa Safe Schools Fall 2023 Legislative Update for Iowa's K-12 Schools: Suggestions and Resources for Supporting LGBTQ Students under SF 496 and SF 482

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III. Bill Overviews

SF 496 – Governor’s Omnibus Bill

SF 496 was signed into law on Friday May 26th. The majority of this law took effect July 1, 2023. The section on district library programs will be effective January 1, 2024.

- This bill affects the following areas of education relating to LGBTQ students and topics:
 - Curricular instruction relating to gender identity and sexual orientation (K-6)
 - Human growth and development curriculum relating to HIV, HPV, and available treatments and preventative measures (K-12)
 - Overhaul of books available in K-12 school libraries; requirement that they are “age-appropriate” and “supports the educational standards”.
 - Imposes limitations around surveys meant to assess students’ mental, emotional, and physical health (K-12)
 - Notification of parents and guardians if a student makes a request for an accommodation “meant to affirm their gender identity (K-12)”

Curricular Instruction

- Under SF 496 the following are prohibited in grades K-6:
 - Curriculum and instruction related to sexual orientation and/or gender identity (the Genderbread Person, differences between sex and gender, “some people are gay”, etc.)
 - Curriculum and instruction specifically on LGBTQ history (people, events, ideas, etc.) where content about sexual orientation or gender identity is emphasized or is an instrumental part of the content (The Stonewall Riots, marriage equality, etc.)
 - Surveys or questionnaires that ask students to disclose their sexual orientation and/or gender identity, or gender pronouns (climate surveys, Demographic data collection, etc.)
- The constraints of SF 496 will likely not apply to:
 - Student-led/inquiry-based learning. For example: a student may still choose to complete a research project on Harvey Milk, The Stonewall Riots, etc.
 - Students may still make connections on their own between curricular instruction and topics related to sexual orientation and gender identity, in written assignments and discussions. Classroom educators may be discouraged/prevented from contributing additional instruction, but can and should facilitate the discussion and intervene in instances of inappropriate classroom conduct as per usual (bullying, harmful comments, etc.)
 - Students freely discussing their own identities and their family structures.
- Bullying Concerns
 - Educators can and should continue to intervene in bullying behavior that they are witness to, even if the bullying is due to a student’s actual or perceived sexual orientation and/or gender identity.

Human Growth and Development

- Under SF 496 human growth and development curriculum is not required to include:
 - Acquired immune deficiency syndrome (AIDS/HIV) symptoms, risk factors, treatment, or prevention (PrEP)
 - Human papillomavirus (HPV), symptoms, risk factors, treatment, available vaccines to prevent HPV
- The following will still be required:
 - “age-appropriate” and “research-based” substance use and nonuse; emotional and social health; health resources; and prevention and control of disease, including “age-appropriate and research-based” information regarding sexually transmitted diseases.

District Library Programs

- District-run libraries (K-12) are only to include “age-appropriate” materials and those that “support the student achievement goals of the total school curriculum.”
- This could be interpreted to limit the availability of books that:
 - Contain sex acts as defined in [Iowa Code 702.17](#)
- This legislation has yet been found to restrict the following, but has created *rumors* that these will be prohibited:
 - Fictional stories featuring LGBTQ characters, where their sexual orientation or gender identity are central to the story’s plot (K-6).
 - Fictional stories meant to explain concepts around sexual orientation and gender identity (K-6)
 - Non-fiction books meant to explain concepts around sexual orientation and gender identity (K-6)
 - Non-fiction books or memoirs that feature LGBTQ figures, where their sexual orientation or gender identity are central to the book’s thesis or evidence (K-6), discussion of gender transition (K-6)
- The following are not likely to be prohibited under SF 496:
 - Fictional stories featuring (an) LGBTQ character(s), where their sexual orientation or gender identity are not central to the story’s plot or message (K-6).

Surveys and Questionnaires

- Parents and guardians must be provided with a minimum seven day written notice a written or electronic copy of all surveys or questionnaires meant to analyze a student’s mental, emotional, or physical health; a student’s or their family’s income level; mental or psychological problems; sexual behavior, orientation, or attitude; illegal, antisocial, self-incriminating, or demeaning behaviors; or religious practices. They also need to opt their child into participating in these surveys in most cases. This applies to:
 - The Iowa Youth Survey
 - The CDC’s Youth Risk Behavior Assessment
 - School climate and culture assessments
- This could be interpreted to apply to:

- Classroom surveys about a student's life (get-to-know you activities, etc.) that inquire about the above topics, when the licensed practitioner is collecting the information from the survey.

Names and Pronouns

- Under SF 496 if a student submits a request for an accommodation intended to affirm their gender identity, such as changing their name or pronouns in a student information system, that do not reflect their school registration or records, the licensed practitioner (educator) to whom they made the request would need to alert a designated administrator (appointed by the district), who would then inform the students' parents or guardians of the request.
 - There is no timeframe listed for when the notification to parents and guardians needs to be completed by
 - The notification to parents/guardians should not be coming from educators directly, without instruction or collaboration with an administrator
 - Parent/guardian consent is not legally required to honor a student's chosen name or pronouns
- A school district shall not knowingly give false or misleading information to the parent or guardian of a student regarding the student's gender identity or "intention to transition to a gender" that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth.
 - "Intention to transition" is very vague language, as "transition" can mean different things for different people. Remember that there is no way to know of a student's "intention to transition" unless they clearly state that this is their intention.
 - Remember: nearly 100% of the time, the only person qualified to speak to a student's gender identity is that student. You cannot determine a student's gender identity by looking at them or by the name or pronouns that they use. The only way to know a person's gender identity is if they tell you.
 - There is **no requirement** to reach out to a students' parent or guardian with information regarding their gender identity, whether suspected or confirmed.

*According to the bill, "age-appropriate" materials do not include any descriptions or visual depictions of a sex act.

** GSAs in secondary schools are protected by the Federal Equal Access Act.

*** This bill does not make a distinction between sexual orientations that are LGB vs. straight, nor does it distinguish between cisgender and transgender gender identities. Technically, any instruction of human sexuality or gender identity (gender roles, for example) *could* be seen as violating this bill, however, LGBTQ employees will be most at risk when it comes to disclosing their own identities.

SF 482 – Bathroom Bill

This bill was signed on March 22, 2023 and took effect immediately.

- Requires that all multi-occupancy district-operated restroom and locker room facilities must be designated as either “male” or “female” facilities. All persons must use the restroom that matches the sex listed on their original birth certificate.
 - “All persons” includes any person who is on campus for any reason, whether they are affiliated with the school or not.
- Schools may choose to have single-use restrooms available for anyone to use, regardless of gender.
- Any student who would like additional privacy in a bathroom or locker room, for any reason, may request accommodation from the school. This accommodation must be approved by the students’ guardians.
- In addition to bathrooms located on school grounds, this law *may* extend to bathrooms located in public or other privately owned places that are being used for official district/school purposes. For example, if students are traveling for band camp, rooming assignments would need to be made based on students’ assigned sex at birth.

This bill does not apply to:

- Persons entering bathroom and locker room facilities for the purposes of cleaning and maintenance.
- Persons entering the bathroom or locker room to provide assistance or medical aid.

Suggestions to support students while implementing SF 482:

- Make all single-use bathrooms accessible to all students, staff, and visitors with gender-neutral or all-gender signage.
- Prior to overnight trips, communicate with students to identify what sleeping arrangements would be most comfortable for them, within the boundaries of the law.
- Provide a waiver at the beginning of the school year for parents/guardians to sign, allowing additional privacy bathroom or locker room accommodations for their student, should they request it.

IV. Myth Busting and Fast Facts

MYTH: SF 496 doesn't let K-6 educators say the words "gay" or "trans".

While SF 496 certainly places tight restrictions around what K-6 educators can and cannot do/say regarding sexual orientation and gender identity, it does not prevent educators from using the words in the classroom, for example, when intervening in instances of bullying or name calling.

MYTH: I have to notify someone if a student shares their pronouns with me.

There is absolutely no language in this law that requires you to initiate contact with parents or guardians if a student shares their pronouns with you. A student sharing their pronouns is different than requesting an accommodation, and also tells you nothing more than what pronouns that student uses, as pronouns on their own don't inform you of someone's gender identity. The response to a student sharing their pronouns should be the same for all students regardless of the student/pronouns.

Defer to your school district's specific policy regarding what they are counting as "a request for an accommodation" by the student to ensure you understand when they expect educators to initiate the notification process.

MYTH: SF 496 is a forced-outing bill.

SF 496 says: "A school district shall not knowingly give false or misleading information to the parent or guardian of a student regarding the student's gender identity or intention to transition to a gender that is different than the sex listed on a student's official birth certificate or certificate issued upon adoption if the certificate was issued at or near the time of the student's birth."

If a parent/guardian contacts an educator and asks them a question about their child's gender identity, they cannot legally lie to or intentionally mislead them. That being said, they can and *should* make every effort to inform the student of this law *before* a student discloses information about their gender identity, **and** connect with them again before responding to the student's parent/guardian.

Remember:

- You cannot tell someone's gender identity based on their name or pronouns, or even how they dress, style their hair, or whether or not they wear makeup.
- The only way you can know someone's gender identity is if they tell you.
- A person's pronouns, personal style, and disclosed gender identity cannot tell you about their intent to transition. Transitioning is a very personal decision and is not something that all transgender people choose to do. You cannot know anything about anyone's "intent to transition" without them directly telling you.

MYTH: Books featuring LGBTQ characters and storylines are no longer allowed in 7-12 schools and classrooms.

The only clear restrictions on books for 7-12 is that they cannot contain any sex acts, as defined in Iowa Code [Iowa Code 702.17](#). At this time, there are no restrictions on content relating to sexual orientation or gender identity for grades 7-12.

MYTH: GSAs are no longer allowed.

GSAs are protected by the federal [Equal Access Act \(1984\)](#) which requires that if a school allows any non-curricular student group, it must allow all of them, and cannot limit student groups based on the theme or content of the group, as long as the group is student-led.

FACT: Students need to be aware of new legislation and how it affects their rights.

Now more than ever, it's important that students understand what your district's policy is when it comes to things like bathrooms, accommodations, and disclosing their gender identity or sexual orientation. Make sure your students understand what is and is not going to be seen as protected information, and have a copy of your district's policy available for them.

FACT: Students can still choose to do projects on LGBTQ-related topics.

Regardless of the grade, a student can choose to complete a project on topics that are related to LGBTQ topics, however, in grades K-6 this content *cannot* come from a licensed educator or the school district. Student-led projects and discussions should be acceptable. *If* a student's topic is going to be restricted or disallowed due to LGBTQ content, then no other project that discusses sexual orientation (heterosexual relationships, marriage, dating, crushes, Henry VII's wives, etc.) or gender identity (masculinity, femininity, women's rights movement, etc.) should be allowed.

FACT: Students can still have access to single-use, gender neutral bathrooms.

If your school has single-use bathrooms available and has opened them for student use, they can be designated as gender neutral, and can be used by students.

FACT: Multi-use bathrooms must be segregated by sex, assigned at birth.

All multi-use restroom and locker room facilities on school grounds, or that are being used for a school-sponsored activity, must be designated as "male" or "female" and may only be used by people whose sex marker on their birth certificate aligns with it. Single use bathrooms, including those previously reserved for staff use, can be opened for general use by anyone regardless of biological sex or gender identity.

FACT: SF 496 leaves a lot of "gray area".

It's true that we won't know the "legality" of certain actions, supports, events, etc. until they happen and someone initiates a lawsuit about it. There is no way to know what is going to go to the courts or how they will rule. Until then, we are focusing on best practices to keep students and educators safe.