

Florida's "Don't Say Gay" Bill Is Really About Politics, Not Sex

On March 28, Florida governor Ron DeSantis signed HB 1557 — the “Parental Rights in Education Bill” — into law.

Supporters say it is indeed about parental rights: The right to know what their kids are being taught, and the right to be informed about matters pertaining to their kids’ “mental, emotional, or physical well-being.”

Opponents call it the “Don’t Say Gay Bill” and assert that its purpose is to terrorize members of the LGBTQ community working in public education by forbidding mention of their sexual orientations/gender identities, and to isolate LGBTQ students who may be afraid to come out to their parents and, under this law, to seek support and affirmation at school, lest they be outed.

Both sides are right. The law does require parental access to student records, and notification of parents when school personnel address, or know of, issues related to a student’s “mental, emotional, or physical well-being.”

But its actual purpose is political.

Supporters use one snippet of the bill — “[c]lassroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 ...” — to claim that it’s just about sex education in the lower grades.

They leave out the following clause: “... or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.”

Teachers rightfully fear that, say, casually mentioning their same-sex spouses might be deemed “age-inappropriate classroom instruction.” And LGBTQ students rightfully fear that teachers will consider themselves legally required to out them.

What gives the bill teeth is its enforcement mechanism: A parent may “[b]ring an action against the school district A court may award damages ...”

It’s designed to encourage little Sally’s parents to sue the school district if Sally mentions that her teacher said he and his husband went to Italy over summer vacation. Or if Sally asks to be called Sam and wear “boy’s clothes,” and they suspect that she mentioned this in school and it wasn’t reported to them.

It’s designed, above all, to energize Republican voters and get them to the polls for

Republican candidates.

During the pandemic, many schools shut down and went to “remote learning.” Parents looking on during Zoom classes noticed what and how their kids were being taught. Some of them didn’t like it.

The public education establishment reacted patronizingly, telling parents they were unqualified to have an opinion and should leave education to the “experts” (them). That dismissive attitude produced anger — as it should have.

Now Republicans are weaponizing that anger with bills like the “Parental Rights in Education Bill,” tailored not just to the anger itself, but also to specific fears that they know will mobilize and energize their electoral base.

The “Don’t Say Gay Bill” is what we get when politics and education combine to produce a “wedge issue.” So long as education is politically funded and politically regulated, we’ll never lack for such issues.

The only way to get the culture wars out of education is to separate school and state.