



*Michigan Association of School Psychologists*

**Supporting LGBTQ+ Students**  
**The Michigan Association of School Psychologists**  
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A record number of anti LGBTQ+ bills have been introduced in recent years. This legislation has had a negative impact on LGBTQ+ students and their families. The 2022 National Survey on LGBTQ+ Youth and Mental Health Survey conducted by the Trevor Project (2022) found that 85% of transgender and nonbinary youth noted that anti-transgender bills have negatively impacted their mental health. In addition, 60% of LGBTQ+ youth who wanted mental health care indicated that they were not able to access it. The absence of culturally sensitive counseling and issues with discrimination present in society has led to high rates of suicidal ideation, as well as self harm among LGBTQ+ youth. More specifically, 59% of transgender boys, 53% of nonbinary students, and 48% of transgender girls seriously considered suicide this past year. One in five transgender and nonbinary youth attempted suicide in 2021. In addition to issues with self harm, 55% of transgender boys and 45% of transgender girls have been physically threatened or harmed due to their gender identity. LGBTQ+ youth who live in an area that is accepting of LGBTQ+ people reported significantly lower rates of attempting suicide compared to those who do not reside in a supportive community. The high rate of suicidal ideation and self harm can be attributed to discrimination and lack of acceptance by society since identifying as being LGBTQ+ is not a pathology. The Michigan Association of School Psychologists created this document to provide legislators and educators with information regarding supporting LGBTQ+ youth in the schools to ensure that LGBTQ+ youth can reach their fullest potential and be provided with affirming spaces in Michigan schools.

**Should school psychologists and other educators disclose to parents and/or staff members that a student identifies as LGBTQ+ without the consent of the student?**

School psychologists are only legally and ethically allowed to break confidentiality if the student poses a threat to himself/others or the child reports abuse/neglect. Disclosing sexual orientation and/or gender identity whether to parents or staff without a student's permission is an ethical violation. This breaks confidentiality in therapeutic interventions and evaluations ([NASP](#))

[Professional Ethics Principle I.2](#)) and can also be a violation of FERPA and/or HIPAA (depending on the employer of the mental health professional.) NASP 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. School psychologists should not share information about the sexual orientation, gender identity, or transgender status of a student (including minors) to a parent, educator, or other individual without that person's permission.” Only relevant information should be shared when a child poses a risk to themselves or others to ensure their (and others) safety. One’s sexuality or gender identity does not pose an inherent risk to the student or others in their network. Thus, it is unethical to share this information with others.

### **What are the repercussions for LGBTQ+ students if a school psychologist discloses their sexual orientation and/or gender to identity to parents without their consent?**

Some schools have implemented parental disclosure policies that require school psychologists to share with parents that a child identifies as LGBTQ+ in all cases; even if that puts a student in physical/psychological danger. This is a direct violation of the ethical principle nonmaleficence which asks school psychologists to do no harm. Disclosing information to a student’s parents when concerns are present related to abuse or lack of support for a student gender identity and sexual orientation, may cause the student to be placed in an unsafe situation. In a February, 2022 report from the Trevor Project, “Homelessness and Housing Instability Among LGBTQ Youth,” it was outlined that 28% of LGBTQ youth reported experiencing homelessness or housing instability at some point in their lives. Those who reported homeless/housing instability had two to four times higher levels of depression, self harm, suicidal ideation, and suicidal attempts. Adrian et. al (2020) found that 68% of youth who were homeless indicated that family rejection was a major factor that contributed to their homelessness.

In addition to concerns related to placing children in unsafe situations, the ACLU (2020) notes the following legal information: “Students have the constitutional right to share or withhold information about their sexual orientation or gender identity from their parents, teachers, and other parties, and it is against the law for school officials to disclose, or compel students to disclose, that information. Even when students appear to be open about their sexual orientation or gender identity at school, it remains the student’s right to limit the extent to which, and with whom, the information is shared. *C.N. v. Wolf*, 410 F. Supp. 2d 894, 903 (C.D. Cal. 2005)...The Family Educational Rights and Privacy Act (“FERPA”), also protects students against the disclosure of personally identifiable information” (Esseks, 2020 p. 1-2).

## **What are some potential issues associated with parental notification policies at the district or state level in relation to the shortage of school psychologists?**

Creating a negative and unethical climate on a state level for school psychologists and other school based mental health professionals will significantly exacerbate the school psychologist/mental health provider shortage. As outlined by Nguyen et al. (2022), Florida has the highest number of teacher vacancies in the United States. The number of unfilled positions in Florida significantly increased after the implementation of HB 1557, more commonly known as “Don’t Say Gay.” Based on information obtained from the Michigan Association of School Psychologists job database, there are currently 77-100 unfilled school psychologist positions in the state. This number is likely to increase if school psychologists are required to follow unethical state and/or district guidelines, which will decrease the availability of mental health support in the state for all students. Given the mental health challenges faced by students after the COVID-19 pandemic, it is important that school psychologists and other school based mental health providers be given the opportunity to follow ethical guidelines and implement best practices in the state to ensure high quality mental health support for all students. Providing school based mental health professionals with a climate that enables them to practice in an ethical manner will also attract and retain school psychologists in Michigan.

## **What are some benefits of books and classroom conversations related to gender identity, as well as diversity, equity, and inclusion?**

Classroom discussions that emphasize diversity, equity, and inclusion have been found to be beneficial for all students. According to GLSEN, approximately 1 in 5 LGBTQ+ students were taught positive representations of LGBTQ+ people, history, or events in their classes. Nearly the same amount had been taught negative content about LGBTQ+ topics. Most students did not have access to information about LGBTQ+ related topics in their school library, through the internet on school computers, or in their textbooks or other assigned readings. As classroom censorship bills sweep state legislatures, schools are removing books by and about LGBTQ+ people from curriculums and libraries at an unprecedented rate. The ACLU has reported more than 111 bills this year (as of June 2022) aiming to limit discussions about gender and race in the classrooms have been passed or introduced by state legislatures. These efforts erase voices, histories, and lived experiences from students’ K-12 education.

GLSEN’s research indicates that teaching LGBTQ+ inclusive curriculum has profound positive impacts for LGBTQ+ students. The 2017 National School Climate Survey found that compared to students in school without LGBTQ+-inclusive curriculum, LGBTQ+ students in schools with LGBTQ+-inclusive curriculum were less likely to hear “gay” used in a negative way, were less likely to hear negative remarks about gender expression, performed better academically in school, and were more likely to plan on pursuing post-secondary education. The majority of

LGBTQ+ students (67.6%) with LGBTQ+-inclusive curriculum reported that their classmates were somewhat or very accepting of LGBTQ+ people, as compared to 36.0% of LGBTQ+ students in schools without curriculum. [GLSEN \(2017\)](#) also noted that the presence of supportive and affirming teachers, including those who share students' LGBTQ+ identities, means LGBTQ+ students are more likely to attend school, have higher self-esteem, and achieve better academic outcomes.

### **What are some legal implications of banning/removing LGBTQ+ books from a school library?**

The ACLU (2022) outlined the following information: "It has long been recognized that removing books from school libraries is a serious threat to the First Amendment rights of students and their families". The Supreme Court held over 40 years ago that "local school boards may not remove books from school library shelves simply because they dislike the ideas contained in those books." *Bd. of Educ., Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 872 (1982)...Courts have repeatedly ruled that censoring books because they express support for lesbian, gay, bisexual, and transgender people is a form of viewpoint-based discrimination prohibited by the First Amendment. See *Parents, Fams., & Friends of Lesbians & Gays, Inc. v. Camdenton R-III Sch. Dist.*, 853 F. Supp. 2d 888, 897 (W.D. Mo. 2012) (holding that censorship of LGBT-supportive websites in school libraries violated First Amendment); *Sund v. City of Wichita Falls, Tex.*, 121 F. Supp. 2d 530, 532 (N.D. Tex. 2000) (holding that restrictions on access to *Heather Has Two Mommies* in public libraries violated First Amendment); *Case v. Unified Sch. Dist. No. 233*, 908 F. Supp. 864, 875 (D. Kan. 1995) (holding that removal of book depicting romance between two women from school libraries violated First Amendment)" (Khogali, Korobkin, & Kaplan, 2022 p. 1-2).

### **Do students have a legal right to form Gender and Sexualities Alliances/Gay Straight Alliance (GSA) organizations?**

Yes, the [Equal Access Act](#) outlines that students have the legal right to form and participate in a Gender and Sexualities Alliance (GSA) organization as they would any other extracurricular club. GSAs are a wonderful resource for LGBTQ+ students. Day et. al (2020) found having GSA clubs in schools significantly reduces the level of bias-based bullying and enhances LGBTQ+ youths' perceived social support in their schools. Further, GSA organizations improve the school climate for both LGBTQ+ youth and their heterosexual peers. [GLSEN](#) has a plethora of resources and information to assist educators in the creation of [GSAs](#).

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