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South Dakota considers ban on teaching about gender identity

By James Nord, The Associated Press

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PIERRE, S.D. — South Dakota lawmakers will consider banning public school teaching on gender identity in elementary and middle schools, a push that critics say targets transgender students in the same way some states limit the positive portrayal of homosexuality in the classroom.

The state would be the first in the nation to block instruction on gender identity or gender expression, said Nathan Smith, public policy director at GLSEN, a national group focused on safe schools for LGBTQ students. But the organization recently counted seven states with restrictions on positively portraying homosexuality in health classes, sometimes called “no-promo-homo” laws. The states are Alabama, Arizona, Louisiana, Mississippi, Oklahoma, South Carolina and Texas.

“It’s maybe a little different in the way that it’s crafted and maybe a little different in the way, sort of the population that it targets, but the underlying concerns are the same for us as they would be in ... a traditional ‘no-promo-homo’ law,” Smith said. “We think that it’s bad broadly for LGBTQ students in South Dakota.”

LGBTQ students in states with such laws are more likely to face assault and harassment at school, and get less support from teachers and administrators, according to a GLSEN research brief.

South Dakota’s bill would cover public school students from kindergarten through seventh grade. Education Department spokeswoman Mary Stadick Smith said in an email that she’s not aware of gender identity being taught in schools.

Republican Sen. Phil Jensen, the sponsor, said he has constituents concerned it might become an issue in schools. Jensen said he’s worried about teaching children topics that aren’t age-appropriate and that students are failing to master the basics.

“I think we need to be focusing on reading, writing and arithmetic,” Jensen said.

GLSEN isn’t aware of any other states considering a bill like South Dakota’s, Smith said. States including California, Massachusetts and Washington have moved in the opposite direction.

Washington included gender identity as an optional topic for districts to teach in recently

revised health learning standards. For example, it suggests kindergarten students understand there are many ways to express gender and third graders recognize the importance of treating others with respect regarding gender identity, which is defined as someone's inner sense of their gender.

Officials had heard from teachers, parents and national health experts interested in students understanding and being aware of gender identity, said Nathan Olson, spokesman for Washington's Office of Superintendent of Public Instruction.

The Washington state office doesn't track how many districts are teaching the new "self-identity" topic, which took effect for the current school year. In California, a 2011 law mandates including disabled and LGTBQ people in history and social science lessons.

Massachusetts lawmakers in 2011 barred discrimination against public school students based on gender identity. Jeff Perrotti, director of the Massachusetts Safe Schools Program for LGBTQ Students, said some schools in the state are teaching gender identity and expression in the classroom.

Massachusetts' program, which is part of the state's education department, conducts training for school personnel about how to talk about gender identity with students, faculty and community members. Perrotti said the state's health curriculum framework will likely be updated to include the concept of gender identity.

Mimi Lemay said the Massachusetts district where her 7-year-old transgender son, Jacob, goes to school is improving at including others as parents have pushed the issue. Lemay said a mother last year organized parents to get a basket of books about diversity in local elementary school classrooms, including "I Am Jazz," a picture book about a transgender child co-written by Jazz Jennings, a transgender YouTube personality who has a TLC show.

Teaching about gender identity is critical for transgender children, and it's important for their classmates, who will grow up accepting their peers, said Lemay, who speaks to schools and companies about making them safer spaces for LGBT people.

"Being transgender is innate. It is who you are, and learning about it in school will only make your child more compassionate and empathetic and tolerant," she said. "It's not going to make them transgender, and I think every parent wants a child who is capable of compassion and open-mindedness."

The South Dakota bill could face an obstacle in Gov. Dennis Daugaard. The Republican recently said that he doesn't "know that our standards of education are properly the subject of legislative enactments."

Daugaard in 2016 rejected a bill that would have required transgender students to use bathrooms corresponding with their sex at birth. Supporters scuttled a similar proposal last year after he threatened to do it again.

Terri Bruce, a transgender man who fought against the past bills, said the new proposal would have unintended consequences and send a message to transgender children that “they are somehow not human.”

<https://www.denverpost.com/2018/02/08/south-dakota-school-ban-gender-identity/>

ThinkProgress, DC, USA

This bill would prohibit South Dakota teachers from acknowledging transgender kids exist

So what happens to transgender students?

Zack Ford | Feb 8, 2018, 4:27 pm

For the [second year in a row](#), South Dakota could be the first state legislature to push through an anti-LGBTQ bill in 2018, and it's a brand new kind of attack. The proposed bill [would censor schools](#) from discussing transgender issues until students are in eighth grade.

[S.B. 160](#) is short. It adds the following to the state education code:

No instruction in gender identity or gender expression may be provided to any student in kindergarten through grade seven in any public school in the state.

The bill's sponsor, state Sen. Phil Jensen (R), believes the issues aren't age-appropriate and actually argues that they could get in the way of learning other skills. "I think we need to be focusing on reading, writing and arithmetic," he said.

The bill is a new spin on a series of ["no promo homo" laws](#) that are on the books in seven other states. These laws vary from state to state in the way they either prohibit discussing homosexuality in schools or dictate teaching that homosexuality is harmful or even against the law — even though sodomy laws have been unenforceable since the Supreme Court overturned them in 2003. South Dakota's bill would be the first to extend such censorship to gender identity issues.

As [GLSEN points out](#), several states have taken steps in the opposite direction, ensuring that schools respect transgender students. For example, when the Massachusetts Department of Education [issued guidance in 2013](#) for protecting trans students, it included the recommendation that schools "incorporate education and training about trans and gender non-conforming into anti-bullying curriculum, students leadership trainings, and staff professional development." Studies have [repeatedly found](#) that schools with an LGBTQ-inclusive curriculum have far lower rates of anti-LGBTQ bullying.

It thus stands to reason that under Jensen's bill, a transgender student would receive no institutional support. Educating students about the trans student's identity and why it's inappropriate to bully them would be prohibited under law. The [many books](#) that help explain these issues to young children, like *I Am Jazz* and *My Princess Boy*, would be barred from classrooms.

And that's not Jensen's only anti-transgender bill this session. He's also introduced [S.B. 202](#), which would require posting warning signs on public restrooms "that a person of the opposite sex may be in the restroom the user is about to enter."

Jensen has been called South Dakota's "[most conservative lawmaker](#)." He previously introduced a bill to allow businesses to discriminate against LGBTQ people, and he defended it by arguing that a Ku Klux Klan-run bakery should be allowed to [turn away African-American customers](#).

South Dakota was the first state to pass an anti-LGBTQ law in 2017, one that ensured religiously affiliated [adoption agencies could discriminate](#) against same-sex couples without consequence. Jensen defended that bill by [comparing LGBTQ people to pedophiles](#).

In 2016, South Dakota lawmakers advanced a bill that would have [blocked schools](#) from accommodating trans students' gender identities, but Gov. Dennis Daugaard (R) ultimately [vetoed the bill](#). A similar bill was [introduced last year](#), but didn't advance. Daugaard has likewise expressed concern with Jensen's new bill, saying that he doesn't "know that our standards of education are properly the subject of legislative enactments."

<https://thinkprogress.org/south-dakota-transgender-censorship-1e4533b7f4a3/>