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**Florida LGBTQ+ Rights Groups and Plaintiffs Reach Historic Settlement to Roll Back Key Discriminatory Provisions in “Don’t Say Gay” Law**

*The settlement will safeguard LGBTQ+ students from bullying, end censorship of LGBTQ+ communities, and reinstate Gay-Straight Alliances in public schools*

*Plaintiffs are available for comment*

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**TALLAHASSEE, Florida**– More than a dozen parents, students, and teachers throughout Florida, along with non-profit organizations Equality Florida and Family Equality, reached a historic settlement agreement with the Florida State Board of Education, Florida Department of Education, and school districts that resolves their facial challenge to Florida’s “Don’t Say Gay” law.

The Plaintiffs’ lawyers at Kaplan Hecker & Fink LLP and the National Center for Lesbian Rights filed the agreement with the United States Court of Appeals for the Eleventh Circuit earlier today. The agreement effectively nullifies the most dangerous and discriminatory impacts of Florida’s controversial “Don’t Say Gay Law,” and makes clear that the law must be applied neutrally and is no license to discriminate against or erase LGBTQ+ families.

The settlement restores the ability of students, teachers, and others in Florida schools to speak and write freely about sexual orientation and gender identity in class participation and schoolwork. It also restores safeguards against bullying on the basis of sexual orientation and gender identity, and reinstates Gay-Straight Alliances (GSAs). Critically, the settlement also requires the State Board of Education to send today’s agreement to every school district, and to make clear that the settlement reflects the considered position of the State of Florida on the scope and meaning of this law. Specifically, the historic settlement agreement clarifies the following:

* **Classroom references**. The law does not prohibit references to LGBTQ+ persons, couples, families, or issues, including: in literature, in classroom discussion (such as student-to-student speech or teachers responding to students’ questions), in students’ academic work product or teachers’ review of the same, in teachers identifying same-sex or transgender spouses or partners, or in any other context in which a teacher is not “instructing” on the subject of sexual orientation or gender identity.
* **Non-discrimination**. The law does not target LGBTQ+ persons, couples, families, or issues. Rather, it requires neutrality and prohibits “classroom instruction” on the subjects of sexual orientation or gender identity, whether the subject addresses heterosexuality, homosexuality, bisexuality, cisgender identities, transgender identities, or otherwise. It would violate the law, then, to instruct that heterosexuality is superior to other sexualities, or that cisgender identities are superior to transgender identities.
* **Anti-bullying and acceptance**. The law does not prohibit instruction or intervention against bullying on the basis of sexual orientation or gender identity, nor does it require the removal of safe space stickers or elimination of safe space areas for the benefit of LGBTQ+ persons.
* **Extracurricular activities**. The law does not prohibit Gay-Straight Alliances, including student attendance or participation by teachers or other faculty members. The law also does not prohibit book fairs that include LGBTQ+ focused books, musicals or plays with LGBTQ+ references or characters, participation and expression by LGBTQ+ persons in other extracurricular events like school dances, or the wearing of clothing that is affiliated with LGBTQ+ persons or issues or that does not conform with one’s perceived gender identity.
* **Library books**. The law does not apply to library books, so long as those books are not being used in the classroom to instruct on the subjects of sexual orientation or gender identity.
* **Third parties**. The law does not apply to non-school-personnel, including parents, other family members, and guest lecturers, so long as the school is not delegating to such third party the role of providing classroom instruction on the subjects of sexual orientation or gender identity.

"For nearly two years, Florida’s notorious ‘Don’t Say Gay’ law has spawned a disturbing wave of fear, anxiety, and confusion. By providing much-needed clarity, this settlement represents a major victory for the many thousands of LGBTQ+ students, teachers, parents, and their allies throughout Florida,” **said Lead Counsel Roberta Kaplan.**“Today’s settlement makes clear the legitimacy of gay student groups, safeguards against hate and bullying and the ability of LGBTQ+ students and teachers to openly draw or display pictures of their partners and families.  Simply put, the State of Florida has now made it clear that LGBTQ+ kids, parents, and teachers in Florida can, in fact, say that they are gay.  We cannot overemphasize our gratitude for the courage of our clients—the nineteen plaintiffs who stood up against prejudice and hate, even within their own local communities.”

“Today’s settlement reaffirms the rights of Florida’s students and teachers to openly discuss and learn about LGBTQ+ people, marking a victory for free expression and inclusivity for LGBTQ+ students, families, and teachers alike,” **said NCLR Legal Director Shannon Minter.** “It ensures that conversations about LGBTQ+ identities are not banned from the classroom, promoting a much-needed culture of empathy and acceptance. This agreement is a monumental step forward in ensuring that every voice is heard and valued in our schools, and a critical victory in our ongoing fight for Floridian’s right to proudly say gay.”

“We made a promise to LGBTQ+ families, students, and educators across the state to ensure that they received equal dignity under the law, and to protect our schools from a censorship agenda that harms the education system as a whole,” **said Equality Florida Executive Director Nadine Smith.**  “Florida has already endured nearly two years of book banning, educators leaving the profession, and safe space stickers being ripped off of classroom windows in the wake of this law cynically targeting the LGBTQ+ community. This settlement is a giant step toward repairing the immense damage these laws and the dangerous political rhetoric has inflicted on our families, our schools, and our state. The message to school districts, superintendents, and teachers alike is clear: Protect every student and respect every family.”

“Compassion has been restored to the classroom thanks to today’s settlement,” **said Family Equality President & CEO Jaymes Black**. “This decision blocks prejudice from reaching schools and allows LGBTQ+ students, families, and teachers to bring their whole selves to class each day. For students to reach their potential, schools must be places where a child’s life is welcome in discussions and is fully seen. Allowing students to talk about their families and themselves is critical. All families deserve to be respected and celebrated. This agreement is not just a triumph for LGBTQ+ families but for all families. It's a beacon of hope that heralds a future where every student can safely and confidently be themselves, embracing diversity and fostering a sense of belonging for all.”

In early 2022, Governor Ron DeSantis of Florida signed HB 1557, commonly known as the “Don’t Say Gay” bill. The Plaintiffs sued the next day, alleging that the law was impermissibly vague, was obviously motivated by hostility to LGBTQ+ persons and families, and created an enforcement system that enabled discrimination and discouraged efforts to fight it. The Plaintiffs claimed that the law violated their rights to equal protection, due process, and free speech. The Plaintiffs litigated aggressively, and engaged in months of negotiations with the State’s lawyers to forge today’s historic settlement.

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***About Equality Florida:***

*Equality Florida is the largest statewide civil rights organization dedicated to securing full equality for Florida's LGBTQ community. For more than 25 years, Equality Florida has educated, advocated and mobilized our community and allies to ensure that no one suffers harassment or discrimination on the basis of their sexual orientation or gender identity.*

***About Family Equality:***

*Family Equality is creating a world where everyone can experience the love, safety, and belonging of family. As the leading national organization for current and future LGBTQ+ families, we work to ensure that everyone has the freedom to find, form, and sustain their families by advancing LGBTQ+ equality through advocacy, support, storytelling, and education.*

***About NCLR:***

*NCLR is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, transgender, and queer community through litigation, public policy advocacy, and public education. Since its founding, NCLR has maintained a longstanding commitment to racial and economic justice and the LGBTQ community’s most vulnerable.*