

242 Won't Do

Senate Bill 242 (SB 242) has more issues than Vogue. It is unnecessary, ambiguous, and dangerous.

The writer of the bill, Senator Konni Burton, has amended the Texas Education Code to say, “A request by a child to an employee of a school district to conceal or withhold information...from the child’s parent...is not a defense to any disciplinary action taken against the employee.”¹ Senator Burton says that she wrote the bill because, in her view, a Fort Worth school district “treated all parents [of transgender students] as potentially dangerous and completely marginalized their role in their child’s life.”² Unfortunately, it is difficult to know which parents may pose a danger to a transgender student ahead of time. In the interest of safety, the district wisely decided that caution should be taken when sharing certain information. In addition, Burton has recognized that the right of parents to know the types of information covered in the bill already exists by state law³ under Education Code section 26.004.⁴ Therefore, SB 242 is unnecessary.

The second problem with the bill is its ambiguity. SB 242 requires “disclosure of any general knowledge regarding the parent’s child...” In this context, “‘general knowledge’ means personal, direct, or incidental knowledge.”⁵ That is very vague, and if a parent requests information that might fall under general knowledge, it would be nearly impossible for educators to discern whether they have fully complied. The legislation also fails to define what constitutes an “attempt” at withholding information. If a teacher forgets one conversation about a student, would they be at risk of disciplinary action, including possibly losing their job?⁶ The existing specification of parents being able to request “written records”, stated in the current Education Code is a much more concrete standard with which educators can comply.

Aside from the ambiguity, students’ emotional well-being would also be a concern if this bill were passed. Information that might be contained in things like counseling records is personal and private. Many students go to the counselor to talk about problems with abusive parents or about fears of not being accepted by their parents, but students might stop going to see school counselors if they feel as though the thoughts that they have the courage to share with counselors will not be kept confidential. They might also stay away from Gender and Sexualities Alliance (GSA) organizations, a common place for support for LGBTQ+ youth, if teachers have to report membership. Coming out is a personal experience, and if a student is outed to parents, then that moment is taken away from the child. Even if the parents are okay with the student’s sexual orientation, the child might not be emotionally ready, so the disclosure could be jarring, and there could be negative consequences immediately or further down the road. Parents have legitimate reasons for requesting things like counseling records. However, there are alternatives to violating the student’s privacy such as requiring the school to receive consent from the student before discussing sensitive topics like gender

or sexual orientation with the student's parents or encouraging the parent to sit with their child and have an unforced discussion in a private setting.

The main concern with parents knowing all of this information is that because of religious and/or personal beliefs, some parents would react negatively to their child being a member of the LGBTQ+ community. Forty percent of homeless teenagers in America are LGBTQ+, and sixty-eight percent of those have experienced family rejection.⁷ For example, it is not hard to imagine a situation where a school tells parents that their child has been going to see the counselor because he, she, they (or their preferred pronoun) were experiencing gender dysphoria but their parents would put them on the streets if they knew. Well, now the parents know, and the child ends up on the street. There is a high probability that the percentage of LGBTQ+ homeless teenagers would increase if schools were required to out their students.⁸

Burton's bill also takes away all of students' power since they are unable to request privacy, leading the students to feel helpless. Often, people who commit suicide feel helpless or hopeless,⁹ and the suicide rate for LGBTQ+ youth is already much higher than that of heterosexual youth. A 2011 Centers for Disease Control survey says that an average of thirty percent of LGBTQ+ youth considered committing suicide in a twelve-month period, more than twice the rate of heterosexual youth.¹⁰ Therefore, the passage of this legislation would heighten the risks of homelessness and suicide amongst LGBTQ+ youth.

Put simply, Senate Bill 242 is bad. The mission of schools is to educate students. If school attendees do not feel safe, then education cannot happen. SB 242, by implementing an ambiguous standard and taking away privacy, places teachers at risk and increases the likelihood that LGBTQ+ students will not seek the support they need.

Bibliographical Notes

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