

# FACT SHEET

## on the Proposed Board Policies for Keller ISD

### Summary:

- On November 14, 2022, Keller ISD’s Board of Trustees is set to vote on a policy that would ban library books that discuss or depict what the policy calls “gender fluidity,” a vague term that seeks to erase the existence of transgender and non-binary Keller ISD students and other transgender and non-binary people.
- Specifically, the policy will amend the District’s Content Guideline Exhibit, EFB(Exhibit), to prohibit and remove library books that “adopt, support, or promote” “gender fluidity” for all grade levels.
- **This policy seeks to erase transgender and non-binary identity. It sends the message that transgender and non-binary students do not belong to the Keller ISD community.**
- The new policy’s rationale is fundamentally flawed. It spreads scientifically unsound ideas. The policy is not in any way required by Texas law and in fact violates the Constitution and federal law.
- If this policy goes into effect, it will:
  - Violate legal protections for transgender and non-binary students and stigmatize transgender and non-binary students in Keller ISD.
  - Violate the First Amendment and inhibit students’ education by restricting all students’ access to ideas.

### The proposed policy is scientifically unsound and is based on a misunderstanding of Texas law:

- Keller ISD’s policy is scientifically unsound. All major medical associations in the United States agree that gender and sex are not immutably fixed at birth and support evidence-based gender-affirming healthcare.
  - Keller ISD’s policy attempts to assert that it is not possible for a person to be transgender or non-binary and that gender-affirming care should

not be supported, discussed, or depicted. This will lead to students and teachers being targeted and harmed simply for supporting basic science or expressing who they are.

- This policy is also harmful because it threatens to erase intersex individuals, who make up 1.7% of the population.
- Keller ISD cannot erase transgender, nonbinary, and intersex people, nor can a government entity ban all information about them from the school environment.
- Keller ISD’s Board President [stated](#) that the proposed policy “affirms Texas law” that “considers performing gender modification procedures upon minors to be child abuse.” This is not true.
  - **First, Texas law has not changed, and gender-affirming health care is still fully legal in Texas.**
    - On February 22, 2022, Attorney General Ken Paxton released a non-binding opinion claiming that essential health care for transgender youth is “child abuse” under Texas law. The next day, Governor Greg Abbott directed the Texas Department of Family Protective Services (DFPS) to investigate families of transgender youth who receive gender-affirming health care. DFPS began investigating these families.
    - Within days, the ACLU of Texas and partners filed suit to protect transgender young people’s right to receive essential health care.
    - Since then, we have won more than ten court orders at the district, appellate, and Texas Supreme Court finding that Abbott and DFPS’s actions are likely unlawful and caused irreparable harm.
    - While the case is still ongoing, the orders so far have made clear that Texas law has not changed and gender-affirming health care is still fully legal in Texas.
  - **Second, nothing in Texas law requires censoring school books related to transgender and non-binary identities, and doing so is contrary to federal law.**
    - There is no Texas law that requires purging books about transgender and non-binary individuals and issues from the shelves.
    - The Constitution and federal law are supreme. They bar removing access to ideas about transgender and non-binary identity, and books featuring transgender and non-binary individuals and characters, from Keller ISD library shelves.

## **The proposed policy stigmatizes transgender and non-binary students:**

- Censoring books about transgender and non-binary identities invalidates the experiences of transgender and non-binary students.
- With this proposed policy, transgender and non-binary students will not find themselves or the experiences of their communities reflected in Keller ISD books. This will send the message to these students that they do not belong in Keller ISD and are not part of the community. It will likely lead to worse educational and mental health outcomes for these students—including potential contribution to death by suicide of transgender and non-binary students.
  - One LGBTQIA+ student at Keller High School [explained to the Board](#) how library books that reflected his experiences impacted him as a younger student: “I loved being able to finally relate to a character and feel truly seen and authentically for the first time in my life . . . [a] lot of students feel the same way I did.”
- Proposing this policy during [Trans Awareness Week](#) is particularly cruel and stigmatizing.

## **The proposed policy violates the First Amendment and will restrict students’ right to learn about ideas — especially ideas about transgender and non-binary identities:**

- The First Amendment protects students’ right to access and discuss these ideas, including in school settings.
- The proposed policy’s bar on books that “adopt, support, or promote” gender fluidity means that these topics cannot be generally accessed by students. This will severely limit students’ access to information, in violation of the First Amendment.
- The proposed policy will inhibit **all** students from better understanding the experiences, history, and contributions of transgender and non-binary people. By sending the message to all students that transgender and non-binary people do not belong, it will inhibit students from developing empathy and a better understanding of the varied experiences of people from the entire spectrum of diversity in our society.
  - Books from diverse authors and with diverse characters are important tools for students to better understand the contributions and struggles of people different from them.