EXHIBIT 3

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: February 13, 2025

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Michael F. Rice, Ph.D.
State Superintendent

SUBJECT: LGBTQ+ Students: Protections and Supports

"We are people too."

As I do periodically, I met recently with a group of students—in this case, a group of LGBTQ+ students—at my request so that I could listen and learn. Among the most poignant reflections of these very articulate young people was the one above, "We are people too," made all the more poignant by the realization that the student sharing felt the need to give voice to this thought amidst reflections about the strong caring and support of some friends, family, and staff members on the one hand—and meanness, bullying, and discrimination on the other.

All children—no exceptions—deserve safe, welcoming schools. All have the right to be free from bullying and discrimination. To the absolute best of our ability, we as educators have the responsibility to ensure these rights for all in schools.

All means all, including LGBTQ+ students. We educate, protect, and support all our children. Students arrive with their own unique experiences, identities, and needs. We have a moral and professional responsibility to them all.

We also have a legal responsibility. In Michigan, it is unlawful to discriminate against individuals on the basis of sexual orientation or gender identity or expression. The Elliott-Larsen Civil Rights Act (ELCRA),[1] Public Act 453 of 1976, which took effect in 1977, originally prohibited discrimination on the basis of "religion, race, color, national origin, age, sex, height, weight, familial status, or marital status" in public accommodations, including education. In 2023, the state legislature passed, and Governor Whitmer signed into law, an expansion of the ELCRA (Public Act 6 of 2023)

[1] MCL 37.2101 *et seq.*

to prohibit discrimination on the additional bases of sexual orientation, gender identity or expression.

Neither a presidential executive order nor federal regulations, whether related to federal funding or not, can supersede or otherwise set aside our obligation to comply with a validly enacted state anti-discrimination law. State civil rights law remains the law.

The Michigan Department of Education (MDE) and State Board of Education (SBE) are committed to promoting safe, supportive, and inclusive learning environments for all students and ensuring that every student has equal access to educational programs and activities.[2] All students have the right to be treated equally and fairly, free from discrimination,[3] harassment,[4] and bullying,[5] regardless of their sexual orientation, gender identity, and gender expression.[6] This commitment to fair treatment includes transgender, nonbinary, and intersex students and staff and applies to all district operations, programs, and activities.

This memorandum is intended to remind schools of protections in Michigan law as well as best practice recommendations about how to support all students, including those who identify as LGBTQ+ (lesbian, gay, bisexual, transgender, and/or questioning, with the "plus" representing other identities that are part of the community but are not included in the acronym). This reminder is particularly important given the events of the last few weeks, including recent executive orders that could negatively affect LGBTQ+ students, and removal from federal websites of health data, guidance documents, and resources for schools on this topic[7].

LGBTQ+ students do not disappear just because websites are scrubbed of LGBTQ+ content. Despite attempts to redefine language and delete pages from federal websites, LGBTQ+ students remain a valued part of Michigan schools and communities and deserve to be supported. We know from the 2023 Michigan Youth Risk Behavior Survey (YRBS) that one in four (24.5 percent) of Michigan public high school students identify as LGBTQ+, with 3.8 percent of those students identifying as

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[2] State Board of Education Statement and Guidance on Safe and Supportive Learning Environments for LGBTQ Students (2016).
Michigan's State Board of Education Resolution in Support of Michigan's LGBTQ+ Students, Staff, and Gay Straight Alliances or LGBTQ+ Clubs (2023).
[3] MCL 37.2402(a)
[4] MCL 37.2103(k)
[5] MCL 380.1310b
[6] MCL 37.2402(a)
[7] Villagran, L. (2025 January 31). *'Page not found': Trump administration scrubs webpages of gender reference*, USA Today, https://www.usatoday.com/story/news/politics/2025/01/31/government-webpages-scrub-gender-dei/78093721007/

transgender. Our LGBTQ+ students are significantly more likely to have experienced school violence, including both in-person and online bullying and threats with a weapon. They are more than twice as likely to skip school because they feel unsafe. The United States Centers for Disease Control (CDC) has reported that adolescents are facing a mental health crisis, and Michigan young people are no different. Our LGBTQ+ students are at significantly increased risk of depression and suicidality, with nearly one in five attempting suicide in the last year (more than three times the rate of their non-LGBTQ+ peers). LGBTQ+ students are not inherently prone to depression and suicidality but are placed at higher risk due to stigma and discrimination[8] and family rejection.[9]

Anti-LGBTQ+ laws and policies harm young people and have a direct impact on their health, wellbeing, and educational success. According to the Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health, 89% of Michigan LGBTQ+ youth reported that recent politics had negatively affected their wellbeing sometimes or a lot. In states where anti-transgender laws aimed at minors were passed, suicide attempts by transgender and nonbinary teenagers increased by as much as 72% in the following years.[10]

With LGBTQ+ student protections and rights being threatened, there is a legitimate concern that students will be apprehensive about attending school. Transgender youth are more likely to attend a non-traditional school setting (e.g., online school or home school) or transfer schools to a non-traditional setting due to reasons such as bullying or lack of school support.[11]

Below are several Michigan-developed resources to support schools and families.[12]

- The Michigan State Board of Education (SBE) Statement and Guidance on Safe and Supportive Learning Environments for LGBTQ Students, adopted in 2016, provides concrete guidance on best practices to ensure safe and supportive schools and includes a section focusing specifically on transgender and gender nonconforming students. In spite of the president's recent executive orders and action on Title IX, or perhaps in part because of them, these best practices remain relevant and continue to inform district policies and practices.

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[8] Facts About Suicide Among LGBTQ+ Young People

[9] Transgender and nonbinary young adults' depression and suicidality is associated with sibling and parental acceptance-rejection - Bosse - 2024 - Journal of Nursing Scholarship - Wiley Online Library

[10] Lee, W.Y., Hobbs, J.N., Hobaica, S. *et al.* (2024) State-level anti-transgender laws increase past-year suicide attempts among transgender and non-binary young people in the USA. *Nature Human Behaviour, 8*, 2096–2106

[11] Gohil, A., Donahue, K.L., & Eugster, E. A. (2020). Nontraditional school enrollment in transgender and gender-diverse youth. *Journal of Adolescent Health, 68*(1), 207 - 209.

[12] All resources should be reviewed and vetted locally.

- The Michigan Department of Education's LGBTQ+ Students Project has offered research-informed workshops on best practices to school district staff across the state to ensure that learning environments are as safe, supportive, and affirming as possible for nearly 25 years.
- The Michigan State Board of Education Model Anti-Bullying Policy (Dec. 2020) aligns with the latest anti-bullying law.[13] The definitions of bullying and harassment stress that both acts can be motivated by bias or prejudice based upon actual or perceived characteristics, including sexual orientation, gender identity or expression.
- Safe Spaces Resource: A Guide for Michigan Educators (Dec. 2023), created by the Michigan Department of Education Student Advisory Council, includes strategies that can be used to guide the creation of safe spaces in middle and high schools.

The resources shared throughout this document and advice of your legal counsel are important when making decisions and educating your staff related to the educational rights of the children in your community and staff responsibilities. This memo is for informational purposes and should not be considered legal advice. School leaders are encouraged to promptly consult with district legal counsel, who should guide you on any specifics that you, your students, or your staff may encounter.

The Michigan Department of Civil Rights (MDCR) is a law enforcement agency that has jurisdiction over Michigan's civil rights laws, most pertinently for this memo the Elliott-Larsen Civil Rights Act. Article 4 of ELCRA provides civil rights protections in education based on religion, race, color, national origin, sex, sexual orientation, or gender identity or expression. Therefore, MDCR may investigate complaints in education based on allegations of unlawful discrimination when individuals are not provided "the full use or benefit of an educational institution, its services, activities or programs."

Furthermore, if an individual is excluded or unlawfully discriminated against and is treated differently or denied educational opportunities due to their sexual orientation, gender identity, or gender expression, or other protected classes listed above, MDCR may investigate the allegations.

Like all students, LGBTQ+ students are most likely to thrive when they are supported. Like all students, they deserve respect, not relegation; dignity, not denigration. Michigan schools must continue to be places of safety and belonging for all students, irrespective of the politics of the moment. All means all.

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[13] MCL-380-1310b, "The Matt Epling Safe School Law."

Thank you for your attention to this communication and your partnership, leadership, and most importantly your commitment to serving and meeting the needs of *all* Michigan children.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Departments