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## LGBTQ Youth: Forced Outing of Transgender Students

No updates required since August 16, 2023

Since 2020, there has been a rapidly escalating legislative attack on transgender people, and particularly on transgender youth. This includes a growing number of bills (and now laws) that explicitly require school staff—and in some cases, any government or public employee—to out transgender youth to their families, often without regard for whether doing so might put the child at risk of harm. Additionally, some states have laws that promote, though do not explicitly require the outing of transgender students, such as through vague requirements to notify parents about any “health” or behavioral concern, which could be very broadly interpreted and be used to target both transgender youth and LGBTQ youth more broadly.

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### Alabama

- State law requires school staff to out transgender students to their parent(s)
- See [SB184](#) (2022), Section 5, requiring that no school staff shall “withhold from a minor’s parent or legal guardian information related to a minor’s perception that his or her gender or sex is inconsistent with his or her sex.”

### Alaska

- State law does not force school staff to out transgender students to their parent(s)

### Arizona

- State law promotes, though does not require, school staff to out transgender students to their parent(s)
- See [HB2161](#) (2022), requiring schools to allow parents to access “all written and electronic records...concerning the parent’s child,” and explicitly naming counseling records, psychological records, and more that could potentially out a transgender student. Law also says, “Any attempt to encourage or coerce a minor child to withhold information from the child’s parent is grounds for discipline of an employee of this state, any political subdivision of this state, or any other governmental entity or any other institution, except for law enforcement personnel.”

### Arkansas

- State law does not force school staff to out transgender students to their parent(s)

### California

- State law does not force school staff to out transgender students to their parent(s)

### Colorado

- State law does not force school staff to out transgender students to their parent(s)



#### Connecticut

- State law does not force school staff to out transgender students to their parent(s)

#### Delaware

- State law does not force school staff to out transgender students to their parent(s)

#### District of Columbia

- State law does not force school staff to out transgender students to their parent(s)

#### Florida

- State law promotes, though does not require, school staff to out transgender students to their parent(s)
- See [H241](#) (2021), saying “An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action.”
- See also [H1557](#) (2022), saying that schools may not “discourage or prohibit parental notification of and involvement in critical decisions about a student’s mental, emotional, or physical health or well-being,” among other provisions. This could easily apply to a student’s gender identity.

#### Georgia

- State law does not\* force school staff to out transgender students to their parent(s)
- \*State law ([HB1178](#), 2022) requires that parents have “the right to access and review all records relating to his or her minor child,” but this is already required by [federal law](#).

#### Hawai`i

- State law does not force school staff to out transgender students to their parent(s)

#### Idaho

- State law promotes, though does not require, school staff to out transgender students to their parent(s)
- See [HB163](#) (2023), saying:
  - (2)(d): Schools “shall develop and adopt a policy” including: “The public school’s responsibility for notifying a student’s parent or legal guardian regarding known changes in the student’s mental, emotional, or physical health or well-being,” which could easily apply to a student’s gender identity.
  - (3): “A policy shall not prohibit parents or legal guardians from accessing any of their children’s education and health records...” which could easily contain information about a student’s gender identity.
  - (4): “A public school shall not adopt procedures, policies, or student support forms that prohibit public school personnel from notifying a parent or legal guardian about a student’s mental, emotional, or physical health or well-being or a change in related services or monitoring...”



#### Illinois

- State law does not force school staff to out transgender students to their parent(s)

#### Indiana

- State law requires school staff to out transgender students to their parent(s)
- See [HB1608](#) (2023), Section 4, requiring schools to notify in writing at least one parent if the student asks to change the student's name, pronoun, title or "word to identify the student." Schools are required to give this notice within five business days.

#### Iowa

- State law requires school staff to out transgender students to their parent(s)
- See [SF496](#) (2023), Section 14.

#### Kansas

- State law does not force school staff to out transgender students to their parent(s)

#### Kentucky

- State law promotes, though does not explicitly require, school staff to out transgender students to their parent(s)
- See [SB150](#) (2023), a law that contains multiple anti-transgender provisions, including a school bathroom ban, a ban on best practice medical care for transgender youth, and more. See Section 1, subsections (3)-(5)a especially, requiring schools to obtain parental consent for any mental health services for the student, to notify parents if school personnel refer students for mental health services, to "encourage" students to discuss issues with their parents, and prohibiting schools from having policies or procedures "with the intent of keeping any student information confidential from parents."
  - However, see also 1(5)d, which says school staff can withhold information from a parent "if a reasonably prudent person would believe, based on previous conduct and history," that informing parents might put the child at risk of abuse or neglect. This may help mitigate potential outing of at least some transgender students.

#### Louisiana

- State law does not force school staff to out transgender students to their parent(s)

#### Maine

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#### Michigan

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#### Minnesota

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#### Mississippi

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#### Missouri

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#### Montana

- State law promotes, though does not explicitly require, school staff to out transgender students to their parent(s)
- See [HB676](#) (2023), requiring that government employees “may not withhold from a child's parent information that is relevant to the physical, emotional, or mental health of a child,” and further requiring schools allow parents to “access and review all health and medical records of the child.”
- See also [SB518](#) (2023), requiring that schools develop “procedures by which a parent shall provide written consent before the parent's child uses a pronoun that does not align with the child's sex.”

#### Nebraska

- State law does not force school staff to out transgender students to their parent(s)

#### Nevada

- State law does not force school staff to out transgender students to their parent(s)

#### New Hampshire

- State law does not force school staff to out transgender students to their parent(s)

#### New Jersey

- State law does not force school staff to out transgender students to their parent(s)

#### New Mexico

- State law does not force school staff to out transgender students to their parent(s)

#### New York

- State law does not force school staff to out transgender students to their parent(s)



#### North Carolina

- State law requires school staff to out transgender students to their parent(s)
- See [SB49](#) (2023), Part 4, and especially Part 4(a)(5) requiring schools to notify a parent “prior to any changes in the name or pronoun used for a student in school records or by school personnel,” among other provisions.

#### North Dakota

- State law requires school staff to out transgender students to their parent(s)
- See [HB1522](#) (2023), requiring that schools may not “withhold or conceal information about a student’s transgender status from the student’s parent or legal guardian,” among other provisions such as banning transgender students from using school bathrooms, and banning schools from requiring staff to use a student’s preferred pronouns.

#### Ohio

- State law does not force school staff to out transgender students to their parent(s)

#### Oklahoma

- State law does not force school staff to out transgender students to their parent(s)

#### Oregon

- State law does not force school staff to out transgender students to their parent(s)

#### Pennsylvania

- State law does not force school staff to out transgender students to their parent(s)

#### Rhode Island

- State law does not force school staff to out transgender students to their parent(s)

#### South Carolina

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#### South Dakota

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#### Tennessee

- State law does not force school staff to out transgender students to their parent(s)

#### Texas

- State law does not force school staff to out transgender students to their parent(s)



#### Utah

- State law promotes, though does not require, school staff to out transgender students to their parent(s)
- See [SB100](#) (2023), requiring that schools cannot “shield a student’s education record from the student’s parent” and that schools cannot “make changes to the student’s education record regarding a student’s gender identity that does not conform with the student’s sex” without parental consent.

#### Vermont

- State law does not force school staff to out transgender students to their parent(s)

#### Virginia

- State law does not force school staff to out transgender students to their parent(s)

#### Washington

- State law does not force school staff to out transgender students to their parent(s)

#### West Virginia

- State law does not force school staff to out transgender students to their parent(s)

#### Wisconsin

- State law does not force school staff to out transgender students to their parent(s)

#### Wyoming

- State law does not force school staff to out transgender students to their parent(s)

### **U.S. Territories**

#### American Samoa

- Territory law does not force school staff to out transgender students to their parent(s)

#### Guam

- Territory law does not force school staff to out transgender students to their parent(s)

#### Northern Mariana Islands

- Territory law does not force school staff to out transgender students to their parent(s)

#### Puerto Rico

- Territory law does not force school staff to out transgender students to their parent(s)

#### U.S. Virgin Islands

- Territory law does not force school staff to out transgender students to their parent(s)