LGBTQ Youth Laws: School Nondiscrimination

No updates required since September 16, 2021

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Alabama
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Alaska
- State agency explicitly interprets existing protections against discrimination in public services (including schools) based on sex to include both sexual orientation and gender identity. See Alaska State Commission for Human Rights (2020), including agency social media posts.

Arizona
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Arkansas
- No state education nondiscrimination law enumerating sexual orientation or gender identity

California
- State has explicit guidance for the treatment and inclusion of transgender students. See AB1266 (2013, effective 2014) and CA Department of Education’s Frequently Asked Questions.

Colorado

Connecticut
- State has explicit guidance for the treatment and inclusion of transgender students. See CT Department of Education’s Guidance of Civil Rights Protections and Supports for Transgender Students (Sept 2017) and its related Frequently Asked Questions (Sept 2017).

Delaware
- No state education nondiscrimination law enumerating sexual orientation or gender identity
District of Columbia
- State has explicit guidance for the treatment and inclusion of transgender students. See DC Public Schools’ Transgender and Gender-Nonconforming Policy Guidance (June 2015).

Florida
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Georgia
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Hawai`i
- State law prohibits discrimination in schools on the bases of sexual orientation and gender identity, by explicitly interpreting federal Title IX prohibitions against sex discrimination to include sexual orientation and gender identity. See H.B. 1489 (2018).
- State has explicit guidance for the treatment and inclusion of transgender students. See HI Department of Education’s Guidance on Supports for Transgender Students (July 2016).

Idaho
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Illinois
- State law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See S.B. 3186 (2005, effective 2006; public accommodations defined to include educational institutions, see 775 ILCS 5/5-101(A)(11)).
- State has explicit guidance for the treatment and inclusion of transgender students. See IL Board of Education’s Supporting Transgender, Nonbinary, and Gender Nonconforming Students (March 2020).

Indiana
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Iowa
- State has explicit guidance for the treatment and inclusion of transgender students. See IA Department of Education’s Equality for Transgender Students (Oct 2017)

Kansas
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Kentucky
- No state education nondiscrimination law enumerating sexual orientation or gender identity
Louisiana
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Maine
- State has explicit guidance for the treatment and inclusion of transgender students. See Re: Interpretation of the Education Provisions of the MHRA (January 2016).

Maryland
- State school regulation, but not state law, prohibits discrimination on the bases of sexual orientation and gender identity. See COMAR 13A.01.06 Educational Equity and Maryland Department of Education’s nondiscrimination statement.
- State has explicit guidance for the treatment and inclusion of transgender students. See MD Department of Education’s Providing Safe Spaces for Transgender and Gender Non-Conforming Youth: Guidelines for Gender Identity Non-Discrimination (2015).

Massachusetts
- State has explicit guidance for the treatment and inclusion of transgender students. See MA Department of Education’s Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment: Nondiscrimination on the Basis of Gender Identity (June 2017).

Michigan
- State agency explicitly interprets existing protections against discrimination in education on the basis of sex to apply to both sexual orientation and gender identity. See Michigan Civil Rights Commission’s Interpretive Statement (2018).
- State has explicit guidance for the treatment and inclusion of transgender students. See MI Board of Education’s Guidance to Support Transgender and Gender Nonconforming (GNC) Students (September 2016).

Minnesota
- State law prohibits discrimination in schools on the bases of sexual orientation and gender identity (included in definition of sexual orientation). See Minn. Stat. § 363A.13 (1993), and Minn. Stat. § 363A.03(44) for definition of sexual orientation.
- State has explicit guidance for the treatment and inclusion of transgender students. See MN Department of Education’s Toolkit for Ensuring Safe and Supportive Schools for Transgender and Gender Nonconforming Students (September 2017).

Mississippi
- No state education nondiscrimination law enumerating sexual orientation or gender identity
Missouri
- No state education nondiscrimination law enumerating sexual orientation or gender identity
- State law prohibits schools or districts from adding LGBTQ protections to their anti-bullying and anti-discrimination policies. See *Mo. Rev. Stat. § 160.775.3* (SB 894; 2006).

Montana
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Nebraska
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Nevada
- State law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See definition of public accommodations in *NRS 651.050.3(k)* (SO added by *SB 217* in 2009, GI added by *SB 331* in 2011), and see also *SB 188* (2017).
- State has explicit guidance for the treatment and inclusion of transgender students. See NV Department of Education’s *Supporting Sex/Gender Diverse Students* (October 2018).

New Hampshire

New Jersey
- State has explicit guidance for the treatment and inclusion of transgender students. See NJ Department of Education’s *Transgender Student Guidance for School Districts* (October 2018).

New Mexico
- State school regulation, but not state law, prohibits discrimination on the basis of sexual orientation only. See *NM Administrative Code 6.60.9.9*.

New York
- State has explicit guidance for the treatment and inclusion of transgender students. See NY State Education Department’s *Transgender and Gender Nonconforming Guidance Document* (July 2015).

North Carolina
- No state education nondiscrimination law enumerating sexual orientation or gender identity
North Dakota
- State agency explicitly interprets existing protections against discrimination in public services (including schools) based on sex to include both sexual orientation and gender identity. See North Dakota Department of Labor and Human Rights statement (2020).

Ohio
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Oklahoma
- No state education nondiscrimination law enumerating sexual orientation or gender identity

Oregon
- State has explicit guidance for the treatment and inclusion of transgender students. See OR Department of Education’s Guidance to School Districts: Creating a Safe and Supportive School Environment for Transgender Students (May 2016) and LGBTQ2SIA+ Student Success Plan (June 2020).

Pennsylvania
- State agency explicitly interprets existing protections against discrimination in education based on sex to include both sexual orientation and gender identity. See Pennsylvania’s Human Relations Commission’s Guidance on Discrimination on the Basis of Sex Under the Pennsylvania Fair Educational Opportunities Act (PFEOA) (2018).

Rhode Island
- No state education nondiscrimination law enumerating sexual orientation or gender identity
  - However, RI Department of Education has its own agency policy prohibiting discrimination on the bases of sexual orientation, gender identity, and association with a listed characteristic. See Board of Regents Policy Statement on Discrimination Based on Sexual Orientation and Gender Identity/Expression (December 2010).
- State has explicit guidance for the treatment and inclusion of transgender students. See RI Department of Education’s Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students (June 2016).

South Carolina
- No state education nondiscrimination law enumerating sexual orientation or gender identity

South Dakota
- No state education nondiscrimination law enumerating sexual orientation or gender identity
- State law prohibits schools or districts from adding LGBTQ protections to their anti-bullying and anti-discrimination policies. See S.D. Codified Laws § 13-32-14 (2012).
Tennessee
• No state education nondiscrimination law enumerating sexual orientation or gender identity

Texas
• No state education nondiscrimination law enumerating sexual orientation or gender identity

Utah
• State school regulation, but not state law, prohibits discrimination on the basis of sexual orientation only. See Utah Administrative Code Rule R277-515.

Vermont
• State law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See 9 VSA § 4502, amended to include sexual orientation in 2001 and amended to include gender identity in 2007. See 9 VSA § 4501(1) defining “public accommodations” to include schools.
• State law prohibits discrimination in schools on the basis of association with someone with a listed characteristic. See 9 VSA § 4502(c)(3), and see also 9 VSA § 4501(1) defining “public accommodations” to include schools.
• State has explicit guidance for the treatment and inclusion of transgender students. See VT Agency of Education’s Continuing Best Practices for Schools Regarding Transgender and Gender Nonconforming Students (February 2017).

Virginia
• State law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See SB 868 (2020) and definition of public accommodations.
• State has explicit guidance for the treatment and inclusion of transgender students. See VA Code §22.1-23.3 requiring schools to adopt inclusive policies consistent with VA Department of Education’s Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools (2021). SB 868 (2020) required Department to create model policies, which were released in 2021.

Washington
• State law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See RCW 28A.642.010, amended to include sexual orientation in 2002 and amended to include gender identity in 2009.
• State has explicit guidance for the treatment and inclusion of transgender students. See WA Office of Superintendent of Public Instruction’s Prohibiting Discrimination in Washington Public Schools (February 2012), Gender-Inclusive Schools (2017), and Bulletin No. 089-19 and related RCW 28A.642.080 (December 2019).

West Virginia
• No state education nondiscrimination law enumerating sexual orientation or gender identity
Wisconsin
- State law prohibits discrimination in schools on the basis of sexual orientation only. See Wis. Stat. § 118.13 (2001).

Wyoming
- No state education nondiscrimination law enumerating sexual orientation or gender identity

U.S. Territories

American Samoa
- No territory education nondiscrimination law enumerating sexual orientation or gender identity

Guam
- No territory education nondiscrimination law enumerating sexual orientation or gender identity

Northern Mariana Islands
- Territory regulations, but not territory law, prohibit discrimination in schools on the basis of sexual orientation only. See 60-20-401(a) (2002).

Puerto Rico
- Territory has explicit guidance for the treatment and inclusion of transgender students. See Puerto Rico Department of Education’s policy (2017).

U.S. Virgin Islands
- No territory education nondiscrimination law enumerating sexual orientation or gender identity
- Territory has explicit guidance for the treatment and inclusion of transgender students. See Attorney General guidance (2017), requested by the education commissioner.