LGBTQ Youth:
School Nondiscrimination Laws & Related Policies

No updates required since January 1, 2024

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Recommended citation:
Background

School Nondiscrimination Laws: These laws protect students from discrimination in school, including being unfairly denied access to facilities, sports teams, or clubs on the basis of their sexual orientation or gender identity. Visit GLSEN to learn more.

Guidance on Transgender Student Inclusion: These policies or state-issued guidance help schools understand best practices and procedures for supporting transgender and nonbinary youth in school settings. See GLSEN’s research on improving school climate for transgender and nonbinary youth to learn more about the impacts of inclusive (or discriminatory) school environments.

Negative Law: Anti-Enumeration Laws: These laws prevent schools and districts from listing or enumerating any type of protected classes (such as sexual orientation, gender identity, race, disability, and more) in their anti-bullying or nondiscrimination policies. Research shows that such generic laws are not effective at protecting marginalized students from bullying or discrimination.

Equality Maps & Additional Resources

- See our Equality Map: School Nondiscrimination, which is updated and maintained in real time alongside this document.

- To learn more about state bans on transgender students using school bathrooms or facilities according to their gender identity, see our separate Equality Map: Bans on Transgender People Using Bathrooms and Facilities and its corresponding citation sheet, which contains additional state-by-state information, links, and further analysis. These laws prohibit transgender students from using school facilities, such as bathrooms or locker rooms, according to their gender identity. Some laws also apply more broadly beyond K-12 settings, including government-owned buildings and public places.

- See also MAP’s related research:
  - (Feb-Sept 2023) Under Fire: The War on LGBTQ People in America – a report series connecting the dots on the varied ways that LGBTQ people are under siege across virtually every aspect of life. Report #2 (Under Fire: Erasing LGBTQ People From Schools and Public Life) in particular focuses on attacks in school settings.
  - (March 2022) Policy Spotlight: Curriculum Censorship & Hostile School Climate Bills – an in-depth report examining the wave of state legislation seeking to ban or censor discussions of race, ethnicity, religion, and LGBTQ people in schools, and to more broadly create a hostile school climate for students of many backgrounds.

- Visit GLSEN to learn more about the importance of inclusive school environments and laws.
## Summary Table

### School Nondiscrimination Policies & Anti-Enumeration Laws

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>List</th>
</tr>
</thead>
<tbody>
<tr>
<td>State law prohibits discrimination in schools on the basis of sexual orientation only</td>
<td>1 state</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>State explicitly interprets existing law banning sex discrimination to include sexual orientation and gender identity</td>
<td>2 states + 1 territory</td>
<td>North Dakota, Pennsylvania, U.S. Virgin Islands</td>
</tr>
<tr>
<td>State regulation, but not law, prohibits discrimination in schools on the basis of sexual orientation and/or gender identity</td>
<td>3 states + 1 territory</td>
<td>Delaware – SO only, Northern Mariana Islands – SO only, Rhode Island – SO only, Utah – SO &amp; GI</td>
</tr>
<tr>
<td>No state law or policy prohibiting discrimination in schools based on sexual orientation or gender identity</td>
<td>24* states + 2 territories</td>
<td>All others</td>
</tr>
<tr>
<td>*including 2 states with anti-enumeration laws below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negative law: States that ban schools or districts from adding LGBTQ protections to their local nondiscrimination policies (&quot;anti-enumeration&quot; laws)</td>
<td>2 states</td>
<td>Missouri, South Dakota</td>
</tr>
</tbody>
</table>
State-by-State Sources & More Detail

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

Alaska
- No state education nondiscrimination law enumerating sexual orientation or gender identity
- Formerly, state agency explicitly interpreted existing protections against discrimination based on sex to include both sexual orientation and gender identity for employment, housing, public accommodations, credit/lending, and government agencies/practices/services (which includes schools and education). See archived capture of Alaska State Commission for Human Rights (announced Dec 2020), agency social media post (Dec 2020), and subsequent guidance with further detail (Feb 2021). However, under pressure from conservative interest groups amid the 2022 election season, in August 2022 the agency rescinded its interpretation for all areas except for employment, which was explicitly covered by the U.S. Supreme Court ruling in Bostock v. Clayton County, Georgia (2020). See this coverage for more details about this reversal, and see also the agency’s social media post announcing the change (August 2022).

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 law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See Cal. Edc. Code § 234, AB537 (1999; law refers to characteristics listed in hate crime law, which included sexual orientation and gender (defined to include gender identity; see preamble of AB537)), and AB9 (2011; strengthening existing protections).
- 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
- State law prohibits discrimination in schools (via public accommodations) on the bases of sexual orientation and gender identity. See SB 08-200 (2008; sexual orientation defined to include transgender status), and HB21-1108 (2021; removing transgender status from the definition of sexual orientation and creating new standalone definitions of gender identity and gender expression).
- State has explicit guidance for the treatment and inclusion of transgender students. See CO Department of Education’s Gender/Sexual Orientation page and 3 CCR 708-1 (Rule 81.9).
**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**
- State **school regulation, but not state law, prohibits discrimination** on the basis of sexual orientation only. See 14 DAC 225 (December 2005, effective January 1, 2006).
- However, state law prohibits discrimination in public accommodations on the bases of sexual orientation and gender identity, and this may apply to educational settings. See SB121 (2009, adding sexual orientation) and SB97 (2013, adding gender identity). In state law, “public accommodations” is defined to include “state agencies, local government agencies, and state-funded agencies performing public functions” (Title 6 §4502), which may apply to schools. See also the state’s public accommodations discrimination complaint form, which includes “School” as a place where prohibited discrimination may occur (Section 4).

**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 HB1489 (2018).
  - See also Hawaii Department of Education Nondiscrimination Policy including both sexual orientation and gender identity (since at least 2019)
- 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 (via public accommodations) on the bases of sexual orientation and gender identity. See SB3186 (2005, effective 2006; sexual orientation defined to include gender identity; public accommodations defined to include educational institutions, see 775 ILCS 5/5-101(A)(11)).

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

Iowa
- Formerly, state had explicit guidance for the treatment and inclusion of transgender students (see archived capture of IA Department of Education’s Equality for Transgender Students (October 2017)). This guidance was publicly available until at least January 16, 2022. As early as March 6, 2022, this page was replaced with a notice saying, “The content of this webpage is currently being reviewed for continued legal accuracy in light of recent court decisions.” It did not reference which court decisions. This notice remained until at least November 29, 2022. As of March 2023, even that notice has been removed, and no other similar state-issued resources are available on the state’s website.

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 law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See 5 M.R.S. § 4552, LD1196 (2005, sexual orientation defined at the time to include gender identity or expression), and LD1688 (2021, creating new standalone enumeration of gender identity).
- 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
- Formerly, state school regulation, but not state law, prohibited discrimination on the bases of sexual orientation and gender identity. See COMAR 13A.01.06 Educational Equity (Oct 2019) 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 law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See SB4 (2023), as well as the Michigan Supreme Court’s decision in Rouch World LLC v. Department of Civil Rights (July 2022).
  - Formerly, state agency explicitly interpreted existing protections against discrimination based on sex to include 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 SB217 in 2009, GI added by SB331 in 2011), and see also SB188 (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 law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See HB207 (2023), adding that governmental entities (including schools) are also subject to the state’s nondiscrimination laws, updating the state’s existing definitions of sexual orientation and gender identity, and adding new definitions of sex and gender.
- State school regulation also prohibits discrimination on the basis of sexual orientation only. See NM Administrative Code 6.60.9.9 (2001).
New York
• State has explicit guidance for the treatment and inclusion of transgender students. See NY State Education Department’s Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students (June 2023) and its earlier 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 law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See ORS § 659.850 and SB2 (May 2007; effective January 2008; sexual orientation defined to include gender identity).
• 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), and the definition of “public accommodations” in state law defined to include “kindergartens, primary and secondary schools, high schools, academies, colleges and universities, extension courses and all educational institutions under the supervision of this Commonwealth” (Section 4(l)).
Rhode Island

- Additionally, 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

- Formerly, state school regulation, but not state law, prohibited discrimination on the basis of sexual orientation only. See Utah Administrative Code Rule R277-515, “Utah Educator Professional Standards.” This was first effective Dec 2017, and later repealed in Feb 2020.
Vermont
- State law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [9 VSA § 4502](https://example.com), amended to include sexual orientation in 2001 and amended to include gender identity in 2007. See [9 VSA § 4501(1)](https://example.com) 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)](https://example.com), and see also [9 VSA § 4501(1)](https://example.com) 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](https://example.com) (2020) and definition of public accommodations.
- Formerly, state had explicit guidance for the treatment and inclusion of transgender students. A related bill, [SB 161](https://example.com) (2020) required the state’s Department of Education to create model policies and required schools to adopt policies consistent with or more comprehensive than the state’s model policy. The VA Department of Education’s [2021 model policy](https://example.com) was evidence-based and explicitly transgender-inclusive. However, within that first year, relatively few school districts had fully adopted the model policy (see [here](https://example.com)), and in September 2022, the newly elected governor rescinded those protections and proposed a new [2022 model policy](https://example.com) that omitted protections for sexual orientation and gender identity and instead specifically requires that students’ participation in school programs and facilities should be based on biological sex. After public feedback, a revised [2023 model policy](https://example.com) (enacted July 2023) retains these discriminatory provisions, including banning transgender students from playing sports according to their gender identity, as well as requiring the outing of transgender students to their parents, among other provisions.

Washington
- State law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [HB 2661](https://example.com) (2006), adding sexual orientation (defined to include gender identity) to state nondiscrimination, and see [RCW 49.60.040](https://example.com), which defines public accommodations to include schools. See also [HB 3026](https://example.com) (2010), adding LGBTQ protections directly to the education section of state code ([RCW 28A.642.010](https://example.com)).
- 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](https://example.com) (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
- Territory attorney general explicitly interprets existing protections against discrimination in education based on sex to include both sexual orientation and gender identity. See Attorney General guidance (2017), requested by the education commissioner.
- Territory has explicit guidance for the treatment and inclusion of transgender students. See Attorney General guidance (2017), requested by the education commissioner.