LGBTQ Youth: School Nondiscrimination Laws & Related Policies

No updates required since September 19, 2022

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.

Negative Law: Bans on Transgender Students’ Use of School Facilities: These laws prohibit transgender students from using school facilities, such as bathrooms or locker rooms, according to their gender identity.

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Alabama
- No state education nondiscrimination law enumerating sexual orientation or gender identity
- State law bans transgender students from using school facilities consistent with their gender identity. See HB322 (2022).

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
- State law prohibits discrimination in schools 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
- 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)).

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 law prohibits discrimination in schools on the bases of sexual orientation and gender identity. See HB850/SB666 (2022).
• 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 (via discrimination based on sex). See MI Supreme Court’s decision in Rouch World LLC v. Department of Civil Rights (July 2022).
  o 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 school regulation, but not state law, 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 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
- State law bans transgender students from using school facilities consistent with their gender identity. See SB615 (2022).

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
- 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
- State law bans transgender students from using school facilities consistent with their gender identity. See **HB1233/SB1367** (2021).
  - Note: this is slightly different than other similar bans (e.g., AL or OK), but remains effectively a ban on transgender students using school facilities in the same way as all other students. This bill directs schools to provide single-user facilities for transgender students or school staff, but also allows any student, parent, or employee to sue if they interact with a transgender person in a school bathroom or other facility.

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**, 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

- Formerly, state had **explicit guidance for the treatment and inclusion of transgender students**. SB 868 (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 2021 *Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools* were evidence-based and transgender-inclusive, but in 2022 the new governor rescinded those policies and issued a new [2022 model policy](https://www.edva.gov/models/policies/2022/) that omits 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. The 2022 model policy has a planned effective date of 10/27/22. Read more [here](https).

Washington


West Virginia

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

Wisconsin


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

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.