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LGBTQ Youth: School Nondiscrimination Laws & Related Policies

No updates required since January 1, 2024

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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

Category	Number	List
State <u>law</u> prohibits discrimination in schools on the bases of sexual orientation and gender identity	20 states, D.C., + 1 territory	California
		Colorado
		Connecticut
		District of Columbia
		Hawai'i
		Illinois
		Iowa
		Maine
		Maryland
		Massachusetts
		Michigan
		Minnesota
		Nevada
		New Hampshire
		New Jersey
		New Mexico
		New York
		Oregon
		Puerto Rico
		Vermont
Virginia		
Washington		
State <u>law</u> prohibits discrimination in schools on the basis of sexual orientation only	1 state	Wisconsin
State explicitly <u>interprets</u> existing law banning sex discrimination to include sexual orientation and gender identity	2 states + 1 territory	North Dakota
		Pennsylvania
		U.S. Virgin Islands
State <u>regulation, but not law</u> , prohibits discrimination in schools on the basis of sexual orientation and/or gender identity	3 states + 1 territory	Delaware – SO only
		Northern Mariana Islands – SO only
		Rhode Island – SO only
		Utah – SO & GI
No state law or policy prohibiting discrimination in schools based on sexual orientation or gender identity	24* states + 2 territories <i>*including 2 states with anti-enumeration laws below</i>	All others
Negative law: States that ban schools or districts from adding LGBTQ protections to their local nondiscrimination policies (“anti-enumeration” laws)	2 states	Missouri
		South Dakota



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 law prohibits discrimination in schools on the basis of association with someone with a listed characteristic. See [Cal. Edc. Code § 234](#) (2011).
- 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 law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [Conn. Gen. Stat. 10-15c](#), [SB1121](#) (1997, adding sexual orientation), and [HB6599](#) (2011, adding gender identity).
- 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 law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [D.C. Code § 2-1402.41 \(Part E\)](#), [Bill 2-179/Law 2-38](#) (1977, including sexual orientation), and [Bill 16-389/Law 16-58](#) (2005, effective March 2006, adding gender identity).
- 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\(A\)\(11\)](#)).
- 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). See also IL Department of Human Rights (IDHR) [Relating to Protection of Transgender, Nonbinary, and Gender Nonconforming Students Under the Illinois Human Rights Act](#) (Dec 2021).

Indiana

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

Iowa

- State law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [Iowa Code § 216.9](#) and [SF427](#) (May 2007).
- 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

- 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 law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [Mass. Gen. Laws, chapter 76, § 5](#), amended to include sexual orientation in 1993 and amended to include gender identity in 2011.
- 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

- State law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [SB263](#) (2019).

New Jersey

- State law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [N.J. Stat. § 10:5-1](#) and [10:5-5](#), “Law Against Discrimination” L.1991,c.519 (1991, adding sexual orientation), and [S362/PL 2006, Ch. 100](#) (Dec 2006, effective June 17, 2007, adding gender identity).
- 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 law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [A.B. 3661](#) (2010).
- 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

- State **school regulation, but not state law, prohibits discrimination** on the bases of sexual orientation and gender identity. See [200-RICR-30-10-1](#) (2018).
- 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

- State **school regulation, but not state law, prohibits discrimination** on the bases of sexual orientation and gender identity. See [Utah Administrative Code Rule R277-217](#), "Educator Standards and LEA Reporting" (Feb 2020 with both SO/GI, renewed April 2021).
- 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

- State law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [SB 868](#) (2020) and definition of public accommodations.
- Formerly, state had explicit guidance for the treatment and inclusion of transgender students. A related bill, [SB 161](#) (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](#) was evidence-based and explicitly transgender-inclusive. However, within that first year, relatively few school districts had fully adopted the model policy (see [here](#)), and in September 2022, the newly elected governor rescinded those protections and proposed a new [2022 model policy](#) 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](#) (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](#) (2006), adding sexual orientation (defined to include gender identity) to state nondiscrimination, and see [RCW 49.60.040](#), which defines public accommodations to include schools. See also [HB 3026](#) (2010), adding LGBTQ protections directly to the education section of state code ([RCW 28A.642.010](#)).
- 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 law **prohibits discrimination in schools** on the bases of sexual orientation and gender identity. See [Students' Bill of Rights](#) (2012) and Puerto Rico Department of Education's [policy prohibiting discrimination and bullying](#) based on sexual orientation and gender identity (2017).
- 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.