Know Your Rights!

LGBTQIA2S+ Student Rights

California

Updated October 1, 2026

Title IX of the Education Amendments of 1972 states no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

California Student Safety and Violence Prevention Act (2000) (EC §§ 220-221, 241, 66251, 66270) protects students from harassment and discrimination on the basis of actual or perceived sexual orientation and gender identity.

SB 48 FAIR Act (2011) (Fair, Accurate, Inclusive, and Respectful Education Act) (EC §§ 51204.5, 51501, 60040-60044) compels the inclusion of the political, economic, and social contributions of LGBTQIA2S+ people into educational textbooks and the social studies curricula in California public schools.

AB 9 Seth's Law (2012) (EC §§ 234.1-234.5) mandates that schools adopt a specific process for receiving and investigating complaints of bullying and requires that school personnel intervene if they witness bullying based on actual or perceived sexual orientation and/or actual or perceived gender identity and expression. Seth's Law is named after a 13-year-old California student who committed suicide in 2010 after years of anti-gay bullying that his school failed to address.

AB 1266 The School Success and Opportunity Act (2014) (EC §§ 220, 221.5) extends gender identity and expression discrimination protection to transgender and gender nonconforming K-12 students. Requires Trans students be allowed to attend/use/participate in classes, activities, bathrooms/locker rooms, and sports teams congruent to their gender identity without regard to their physical sex at birth.

AB 329 The California Healthy Youth Act (2015) (EC §§ 51930–51939) mandates all public middle and high school students receive comprehensive, LGBT-inclusive sex education. Also requires that teachers be "highly qualified" to deliver the instruction.

AB 367 Menstrual Equity for All Act (2021) (EC §§ 35292.6, 66027.2) mandates that all public schools that serve any of grades 3-12 provide free menstrual products in all women's bathrooms, all all-gender bathrooms, and at least one men's bathroom on campus.

AB 5 Safe and Supportive Schools Act (2023) (EC § 218) mandates at least four hours of LGBTQ+ cultural competency training at least once every 3 years to teachers and other certificated employees in schools that serve grades 7-12. Schools must document training and face compliance monitoring, effective starting the 2025-2026 school year.

SB 760 All Gender Restrooms (2023) (EC §§ 35292.5, 17585) mandates that all K-12 schools provide accessible and equitable access to all-gender restrooms during school hours, effective July 1, 2026.

SB 857 LGBTQ+ Advisory Task Force (2023) (EC § 219) establishes an advisory task force dedicated to understanding and addressing the unique needs of LGBTQIA2S+ pupils. The task force's recommendations can lead to the implementation of policies and initiatives.

AB 1078 Diverse Instructional Materials and Curriculum (2023) (EC §§ 202, 234.1, 242, 243, 1240, 35186, 51204.5, 51501, 60040-60048, 60119) limits the ability to ban books in public schools by empowering the state to impose fines on districts lacking sufficient instructional materials, especially if such deficiencies are linked to discrimination against students of color or LGBTQIA2S+ students.

AB 1955 SAFETY Act (Support Academic Futures and Educators for Today's Youth Act) (2024) prohibits schools from enacting or enforcing any policy, rule, or administrative regulation that requires an employee or a contractor to disclose any information related to a pupil's sexual orientation, gender identity, or gender expression to any other person without the pupils consent except as outlined in the The Supreme Court Decision *Mirabelli v Bonta (2026)* which requires that schools must disclose information regarding a student's gender identity to legal guardians but only upon request. Schools cannot proactively disclose information, cannot disclose the information to anyone other than the student's legal guardian(s), and cannot disclose any information regarding gender identity if there is a concern for physical or emotional abuse if that information is disclosed. See our Navigating The Mirabelli Decision documents for more info.

Right To Not Be Outed: *Sterling v. Borough of Minersville* (2000), *Nguon v. Wolf* (2007), and *Wyatt v. Kilgore Independent School District* (2011) upholds that a student's constitutional right

to privacy includes sexual orientation and gender identity & expression under most circumstances. School staff can not "out" a student except in certain circumstances as outlined in *Mirabelli v Bonta* (2026).

Right To Be Openly LGBTQIA2S+ and Discuss LGBTQIA2S+ Issues at School: First Amendment of the U.S. Constitution protects student expression on school campuses. California's Constitution has even stronger freedom of speech protections. Sections 48907 and 48950 of the California Education Code protect students' right to discuss LGBTQIA2S+ issues and topics in school without discipline.

Right to Unbiased Education: (EC § 51500) Public schools can't provide instruction or sponsor activities that promote or reflect bias or discrimination against any person on the basis of their sexual orientation, gender identity, gender expression, or gender.

Right to a GSA/QSA/LGBTQIA2S+ Student Club: Equal Access Act, the First Amendment, and California Education Code § 220 state public schools must also allow a GSA to meet and treat it like any other non-curricular student group.

Right to Confidential Medical Appointments: (EC § 48205) Requires school officials to excuse students ages 12 and up (or ages 10 and up if the student is a foster youth) from school to attend certain confidential medical appointments, including reproductive healthcare. The school cannot require that the student have parent or guardian consent in order to attend the appointment and cannot notify parents or guardians.