This guide was created in partnership with the Santa Cruz County Office of Education, The Diversity Center, and the Safe Schools Project of Santa Cruz County

Navigating the Mirabelli Decision

LEGAL FRAMEWORK

What the Mirabelli Ruling Means

Following the reinstatement of the federal court injunction (March 2026), public schools must navigate both federal constitutional rights recognized by the courts and existing California statutory protections.

What is the Mirabelli Decision?

The *Mirabelli v. Olson* decision reinstated a federal injunction that affects how schools navigate student confidentiality and parental rights. Parents/legal guardians have the right to access student records related to gender identity, and school staff cannot be prohibited from sharing this information when a parent requests it. However, staff are not required to proactively disclose this information. Confidentiality protections in counseling settings still remain in place.

What the Ruling Requires & Allows

- **Parental Access to Records:** Parents/legal guardians holding educational rights have a legal right to request access to all official school records, including Gender Affirmation Plans/Student Support Plans, student information system (SIS) fields, and written documentation regarding a student's gender identity or expression.
- **Responding to Direct Inquiries:** If a Parents/legal guardians directly asks school staff about their child's gender identity or pronoun use at school, staff cannot lie, mislead, or intentionally conceal this information.

- **Following Parental Directives Regarding Student Names and Pronouns:** If a parent/legal guardian requests that the school use only their child's legal name and pronouns the school must follow the parent/legal guardian directive. The ruling does *not* require schools to proactively notify parents when a student uses a different name or pronouns at school.
- **Protection Against Staff Discipline:** Schools may not discipline or pursue adverse employment actions against staff members solely for disclosing documented information about a student's name and pronouns used at school to their parent/legal guardians.
- **Notice of Rights in LGBTQ+ Training:** Per federal directives, state-approved LGBTQ+ competency trainings must include formal Notice of Rights disclosures regarding parental rights under the ruling.

What the Ruling Does NOT Do

- **No Requirement for Proactive Disclosure (No "Forced Outing"):** The ruling does not mandate that staff proactively inform Parents/legal guardians when a student changes their name, pronouns, or gender expression at school. Proactive, automated notification policies remain restricted under California law (e.g., AB 1955 / SAFETY Act).
- **Does Not Apply to Sexual Orientation:** The injunction and record-access directives apply specifically to gender identity. Mirabelli does not allow for disclosure of information about a student's sexual orientation.

What Remains Intact Under California Law

- **Nondiscrimination & Equal Access:** Under California Education Code § 220 and § 221.5, schools must continue to provide safe, inclusive environments free from discrimination, harassment, and bullying.
- **Affirmed Names & Facilities:** Students retain the right to use affirmed names, pronouns, and facilities matching their gender identity unless parents/legal guardians explicitly submit a directive instructing the school to stop.
- **Anti-Bullying Laws:** Protections under Seth's Law (EC §§ 234.1–234.5) and the Safe Place to Learn Act remain fully in effect.

Key Exceptions to Parental Disclosure

While parent/legal guardian record requests must generally be honored under the federal injunction, two critical legal exceptions apply:

- **Mental Health & Counselor Confidentiality (California Education Code § 49602):** Confidentiality protections in counseling settings remain fully intact. Disclosures made by

students aged 12 and older to Credentialed Pupil Personnel Services (PPSC) staff (school counselors, psychologists, clinical social workers) during professional mental health services are legally confidential and cannot be disclosed without student consent, unless there is a clear and present danger to health or welfare.

- **Child Safety & Abuse Exception (Federal & State Child Welfare Mandates):** Schools maintain a non-negotiable duty to protect youth from unfit or abusive situations. Mandatory disclosure to parents can be withheld where there is documented evidence that disclosure would result in physical or severe emotional abuse.

RECOMMENDED PRACTICES

Responding to Parent/Legal Guardian Inquiries

1. Request that parents/legal guardians submit disclosure requests in writing. Staff may not lie, mislead, or intentionally conceal this information.
2. Ensure that the individual requesting the information is the legal parent/guardians of the student. Parents/legal guardians have the right to access student records.
3. Ensure that there is no documented risk of abuse that would prevent making a disclosure
    - The Mirabelli decision asserts that if disclosing gender identity information could put the student at risk of physical and/or emotional abuse at home, this information should not be disclosed, even upon request.
4. Meet privately with the student to inform them that their parent/legal guardian made the request. Provide information to the student about what information the school will disclose to their parent/legal guardian.
5. Ensure only the required information and records are shared with the parents/legal guardians.
6. Continue using affirmed names and pronouns unless directed otherwise by parents/legal guardians.
7. After requested information and documentation is shared with parents/legal guardians follow up with the student to ensure that student is supported. Continue to document student safety concerns appropriately.
8. Schools can not discipline staff for disclosing the requested information.

When to Withhold Information and Consult Administration

- Student information may only be withheld if there is a documented concern of abuse or neglect. In those cases:
    - Follow mandated reporting requirements immediately
    - Document concerns appropriately
- Concern that a student is not out at home or that the parent/ legal guardian will be unsupportive is not sufficient reason to withhold requested information about a student's name and pronouns at school.
- A school can not disclose information when there is a clear and present danger to the student's health or welfare if that information were to be disclosed. If a student expresses fear of harm related to disclosure, school staff should follow mandated reporting protocols immediately.

Gender Affirmation Plans and Student Safety

- Gender Affirmation Plans/Student Support Plans should be updated with heading or language that reflects parent/legal guardian access rights under Mirabelli.
- Make sure students with Gender Affirmation Plans/Student Support Plans understand that their parents/legal guardians may have access to these documents.
- Offer students the opportunity to review, update, or adjust their Gender Affirmation Plans/Student Support Plans or student system name preferences in light of privacy rules to help them make informed decisions.
- Staff should assume that all formal school documentation about a student's gender (such as Gender Affirmation Plans/Student Support Plans) may be accessible by parent/ legal guardians upon request.
- Notes kept solely by an individual staff member and not shared are generally not considered student records under FERPA.

Supporting Students

- Ensure that students who are affected by the Mirabelli ruling have access to school and community supports.
- Staff should proactively monitor for increased anxiety among transgender and gender-expansive students regarding these changes to their privacy rights.
- Connect students with a credentialed school counselor, social worker, or mental health professional when needed.
- Make sure that students are aware of the Mirabelli decision and school policies.
- Educate students about what qualifies as a student record and help them review and update their records if needed.

- Help students understand when confidentiality applies and when it does not.
- Ask students if they would like to discontinue their Gender Affirmation Plan or change their names and pronouns back to their legal name on other school documents.
- Continue to monitor and document changes in student's mental health and wellbeing, weeks and months after the school shares the requested information with parents/legal guardians.

Local & State Resources

- **Safe Schools Project of Santa Cruz County**: Guidance on student support plans and site climate resources
- **The Diversity Center of Santa Cruz County**: Youth programming, support groups, and community advocacy
- **988 Suicide & Crisis Lifeline**: Call/Text 988 (Available 24/7)
- **The Trevor Project**: 1-866-488-7386 or text START to 678-678