

# ‘WALK IT BACK?’ FIGHTING FORCED OUTING IN CALIFORNIA

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In recent years, the conservative “parental rights” movement has gathered steam in California. Activists here, as elsewhere, have fomented a moral panic as to transgender issues. Much of their energy in California has gone toward advocacy for laws and policies requiring public schools to inform parents whenever a student appears to express a transgender or nonbinary identity at school. Although LGBTQ advocates and state officials have maintained all along that such policies violate settled California nondiscrimination and privacy law, forced outing policies have been adopted in about a dozen districts around the state.<sup>1</sup> Mixed results in constitutional challenges (both to policies that require educators to out students to their parents, and to policies that prohibit educators from doing so),<sup>2</sup> as well as the reelection of President Donald J. Trump, have increased the chances that proponents of forced outing policies will continue pushing for them despite

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1. *Assemblymember Ward and LGBTQ Caucus Introduce Bill to Address Forced Outing Policies in Schools*, CA STATE ASSEMBLY DEMOCRATIC CAUCUS (May 22, 2024) [hereinafter *Forced Outing Policies in Schools*], <https://a78.asmdc.org/press-releases/20240522-assemblymember-ward-and-lgbtq-caucus-introduce-bill-address-forced-outing>.

2. Sophie Austin, *Judge blocks California school district policy to notify parents if their child changes pronouns*, AP (Oct. 19, 2023), <https://apnews.com/article/california-school-board-parental-notification-gender-0f732bf192a3b6f078174d3a7f208207>; Nate Raymond, *New Hampshire top court upholds school transgender student policy*, REUTERS (Aug. 30, 2024), <https://www.reuters.com/legal/government/new-hampshire-top-court-upholds-school-transgender-student-policy-2024-08-30>.

passage of a state law intended to ban them once and for all. Underlying these legal and policy developments is a dangerous gambit to encourage young people questioning their gender to conceal and deny their thoughts and feelings—an effort that will ultimately fail, but warrants strenuous opposition because of the severe harms involved.

Parental rights narratives have been present in California politics for decades, as shown by the more than thirty unsuccessful attempts between 1999 and 2015 to qualify and pass a ballot measure requiring parental notification before a minor could obtain an abortion.<sup>3</sup> The prominence of such arguments has surged since 2020, particularly in exurban regions of the state where some leaders take pride in distancing themselves from the alleged liberal dogma popular in California’s coastal cities (and at the Sacramento statehouse).<sup>4</sup> Conservative advocates have increasingly relied on “parental rights” messaging to rally opposition to everything from public health measures school districts imposed in response to the COVID-19 pandemic<sup>5</sup> to LGBTQ-inclusive lessons and library materials.<sup>6</sup> These California developments mirrored the national rise of Moms for Liberty and similar

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3. See CAL. SEC’Y OF STATE, INITIATIVES BY TITLE AND SUMMARY YEAR (1912-January 1, 2025), <https://elections.cdn.sos.ca.gov/ballot-measures/pdf/initiatives-by-title-and-summary-year.pdf> (listing measures with their qualification status and election results).

4. See, e.g., Lynn La, *California parental rights battle gets louder*, CALMATTERS (Aug. 22, 2023), <https://calmatters.org/newsletters/whatmatters/2023/08/parental-rights-california/> (quoting Chino Valley Unified School District board president Sonja Shaw as warning “Sacramento politicians” allied with the “political cartel of [Governor Gavin] Newsom, [Attorney General Robert] Bonta, and [State Superintendent Tony] Thurmond . . . Today we stand here and declare in His almighty name that it’s only a matter of time before we take your seats.”); Sasha Abramsky, *The Right-Wing Pretexts of Parents’ and Children’s Rights*, NATION (Feb. 23, 2024), <https://www.thenation.com/article/society/parents-rights-childrens-rights/> (recounting developments in the Orange Unified School District after “so-called parents’ rights advocates and the conservative board members they have elected” seized power, including firing of the superintendent, closure of the digital library, effective prohibition of Pride flag displays, and adoption of a forced outing policy).

5. See, e.g., Hayley Smith, *As some parents protest school mask mandates, experts urge students to keep face coverings on*, L.A. TIMES (Aug. 13, 2021), <https://www.latimes.com/california/story/2021-08-13/as-kids-head-back-to-class-some-parents-are-pushing-back-against-school-mask-mandates> (describing parental rights messaging at protests of school mask mandates in Chino and other California communities).

6. See, e.g., Jenavieve Hatch, *California parents’ rights activists say movement is growing, despite political setbacks*, SACRAMENTO BEE (Nov. 1, 2024), <https://www.sacbee.com/news/politics-government/election/california-elections/article291546960.html> (discussing strategies and goals of the current conservative “parental rights” movement, including efforts “to remove certain books from circulation that depict same sex relationships”).

groups,<sup>7</sup> which in turn reflected and helped fuel the coordinated effort to take rights and dignity away from transgender people nationwide.<sup>8</sup>

California law has robustly protected LGBTQ student rights, and transgender student rights specifically, in public schools for more than a decade. Education Code Section 220 prohibits discrimination and harassment in public education based on many enumerated traits, and “gender identity” has been among them since 2012.<sup>9</sup> Also since 2012, the Fair, Accurate, Inclusive, and Respectful Education Act (“FAIR Act”) has required districts to incorporate the age-appropriate stories and experiences of transgender Californians (as well as those who are lesbian, gay, or bisexual) into social studies curriculum at all grade levels.<sup>10</sup> The Student Success and Opportunity Act, which took effect in 2014, affords every student the right to access facilities (including restrooms) and activities (such as sports teams) based on their gender identity, regardless of their sex assigned at birth.<sup>11</sup> Since 2016, the California Healthy Youth Act has required middle and high schools to teach comprehensive sexual health education, and explanation of the concepts of gender identity and expression is among the many required curricular components.<sup>12</sup> 2023’s Safe Place to Learn Act expanded the curricular requirements of the FAIR Act and imposed new procedural mandates to prevent and address ideologically motivated changes to curricular materials or school library offerings.<sup>13</sup> Another bill enacted in 2023 will require most public schools to make at least one all-gender restroom facility available to students by 2026.<sup>14</sup> These various provisions have occasionally been targets for backlash and resistance, such as 2014’s failed effort to qualify a ballot measure seeking to

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7. See, e.g., Tim Craig, *Moms for Liberty has turned ‘parental rights’ into a rallying cry for conservative parents*, WASH. POST (Oct. 15, 2021), [https://www.washingtonpost.com/national/moms-for-liberty-parents-rights/2021/10/14/bf3d9ccc-286a-11ec-8831-a31e7b3de188\\_story.html](https://www.washingtonpost.com/national/moms-for-liberty-parents-rights/2021/10/14/bf3d9ccc-286a-11ec-8831-a31e7b3de188_story.html); Libby Stanford, *Moms for Liberty’s National Summit: 5 Takeaways for Educators*, EDUC. WEEK (June 30, 2023) <https://www.edweek.org/policy-politics/moms-for-libertys-national-summit-5-takeaways-for-educators/2023/06>.

8. Kendall Ciesemier & Chase Strangio, *Why and How Trans Hate is Spreading*, ACLU (Apr. 27, 2023), <https://www.aclu.org/podcast/why-and-how-trans-hate-is-spreading>; Sarah Posner, *The big myth about the supposed ‘anti-trans’ backlash*, MSNBC (June 23, 2023) <https://www.msnbc.com/opinion/msnbc-opinion/anti-trans-polls-media-republicans-rcna90655>.

9. A.B. 887, 2011 Leg., Reg. Sess. (Cal. 2011).

10. S.B. 48, 2011 Leg., Reg. Sess. (Cal. 2011); CAL. EDUC. CODE § 51204.5.

11. A.B. 1266, 2013 Leg., Reg. Sess. (Cal. 2013); CAL. EDUC. CODE § 221.5(f).

12. A.B. 329, 2015 Leg., Reg. Sess. (Cal. 2015); CAL. EDUC. CODE § 51933(d)(6).

13. A.B. 1078, 2023 Leg., Reg. Sess. (Cal. 2023); CAL. EDUC. CODE §§ 202, 234.1, 243, 35186, 51204.5, 60040, 60150.

14. S.B. 760, 2023 Leg., Reg. Sess. (Cal. 2023); CAL. EDUC. CODE § 35292.5.

repeal the Student Success and Opportunity Act.<sup>15</sup> But an unsuccessful 2021 proposal in the Chino Valley Unified School District to restrict restroom access to facilities matching a student's sex assigned at birth,<sup>16</sup> in blatant violation of the Student Success and Opportunity Act, signaled a new era of more overt pushback against state-level protections and much harsher rhetoric about the propriety of protecting transgender students' rights and wellbeing.

In early 2023, Assemblymember Bill Essayli, whose district included much of the Chino area, escalated matters by introducing Assembly Bill 1314.<sup>17</sup> The bill would have required, among other things, public schools statewide to provide parents written notification within three days of any school employee's becoming aware that a student was "identifying at school as a gender that does not align with the child's . . . sex assigned at birth."<sup>18</sup>

It has been the longstanding position of California's state government, as expressed in guidance published by the California Department of Education,<sup>19</sup> that school districts may not "out" transgender students to their parents without student consent, except in limited exigent circumstances. This conclusion flowed in part from the privacy clause of California's constitution.<sup>20</sup> It was also bolstered by caselaw recognizing a queer student's right to control the disclosure of their deeply personal identity information to their family, even after choosing to share it selectively at school.<sup>21</sup> The California School Boards Association recommended its members adopt policies that tracked the state guidance,<sup>22</sup> and most California school districts

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15. AP, *Transgender rights repeal misses California ballot*, USA TODAY (Feb. 24, 2014), <https://www.usatoday.com/story/news/nation/2014/02/24/transgender-rights-california/5795659/>.

16. Deepa Bharath, *Transgender students' rights committee comes after Chino Valley Unified restroom proposal*, DAILY BULL. (Dec. 1, 2021), <https://www.dailybulletin.com/2021/12/01/transgender-students-rights-committee-comes-after-chino-valley-unified-restroom-proposal/>.

17. A.B. 1314, 2023 Leg., Reg. Sess. (Cal. 2023).

18. *Id.*

19. Cal. Dep't of Educ., *Protections for LGBTQ+ Students: AB 1955*, <https://www.cde.ca.gov/ci/pl/ab-1955-sum-of-prov.asp> (last visited Jan. 26, 2025).

20. *See id.*, (flowing from California Constitution Article 1, § 1).

21. *C.N. v. Wolf*, 410 F. Supp. 2d 894, 903 (C.D. Cal. 2005); *see also Sterling v. Borough of Minersville*, 232 F.3d 190, 195 (3d Cir. 2000) (police department liable for harms resulting from officer's threats to disclose a teenager's same-sex sexual encounter to his family); *Wyatt v. Kilgore Indep. Sch. Dist.*, No. 6:10-CV-674, 2011 WL 6016467, at \*32 (E.D. Tex. Nov. 30, 2011) *rev'd in part, vacated in part sub nom*; *Wyatt v. Fletcher*, 718 F.3d 496, 510 (5th Cir. 2013) (denying summary judgment for defendant school district where coaches had revealed information about a student-athlete's sexual orientation to her mother). In addition, some observers have theorized that disclosures of such sensitive information without consent violate the Education Code and other California law protecting young people from harassment (since disclosing that a student is transgender could make them a target for harassment).

22. Cal. Sch. Boards Ass'n, *LEGAL GUIDANCE ON RIGHTS OF TRANSGENDER AND GENDER NONCONFORMING STUDENTS IN SCHOOLS* (last rev'd Oct. 2022, initially issued Oct. 2013),

did adopt policies stating that, barring limited exigent circumstances, school staff must get a student's consent before disclosing their LGBTQ identity to their parent or guardian.

Such protective policies tracked not only relevant California law but also sound public policy. Coming out is an extremely personal decision that every LGBTQ individual has the right to make for themselves. In an ideal world, every young person would feel comfortable discussing their gender journey (and other issues that may be on their mind) with their parents and guardians, but that is either not true or not yet true for many. On the one hand, when one or more of the adults in a young person's family is adamantly unsupportive of transgender identities, "outing" the youth puts them at risk of losing critical emotional and financial support (including housing, which in turn carries risks to their mental and physical wellbeing), of being subjected to counterproductive "conversion therapy" efforts or similar non-affirming interventions, and of enduring verbal or physical abuse.<sup>23</sup> On the other hand, as part of the normal developmental process of identity formation, many young people of school age share their evolving thoughts about a topic like gender with peers and/or trusted adults at school as part of preparing themselves to discuss it with other trusted adults at home.<sup>24</sup> Even where family communication is healthy and extensive support will ultimately be available, the anxiety and loss of control associated with "outing" a young person to their parents before they felt ready to initiate a conversation about their gender identity can be traumatic for that young person. In both ways, forced outing is dangerous. But because young people know of these risks, forced outing policies also carry the subtler risk of discouraging them from honest processing of feelings and questions at school or experimentation with their name, pronouns, or other forms of gender expression that might have alleviated gender dysphoria, helped address burning identity questions, and helped them move at their own pace toward self-awareness and self-acceptance.

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<https://www.csba.org/-/media/CSBA/Files/Advocacy/LegalAdvocacy/Legal-Guidance-Transgender-Legal-10-2022.ashx>.

23. See Brief of Amici Curiae ACLU of S. Cal., ACLU of N. Cal., et al., *Mae M. v. Komrosky*, (Cal. App. Ct., 4th App. Dist., Div. 3, Oct. 2, 2024) (No. G064332).

24. See Harper Seldin, *Trans Students Should Be Treated With Dignity, Not Outed by Their Schools*, ACLU (Jan. 26, 2023), <https://www.aclu.org/news/lgbtq-rights/trans-students-should-be-treated-with-dignity-not-outed-by-their-schools> (arguing that forced outing policies impair healthy intra-family communication).

Assemblymember Al Muratsuchi, then-chair of the Assembly Education Committee,<sup>25</sup> declined to set Assemblymember Essayli's forced outing proposal for a committee hearing, deeming it "bad policy," and rightly noted that a hearing would have provided a "forum for increasingly hateful rhetoric targeting LGBTQ youth."<sup>26</sup> As his bill died in the spring of 2023, Assemblymember Essayli encouraged "parents to continue bringing lawsuits against their school districts challenging existing policies that allow children to be socially transitioned [sic] at school without parental consent."<sup>27</sup> He was alluding to a wave of litigation in which parents and educators attacked California school districts for not forcibly outing transgender and gender non-conforming ("TGNC") young people to their parents. In the first such case from within California, *Konen v. Caldeira*, parent Jessica Konen alleged that teachers and the principal at her child's Monterey County middle school "secretly convinced" the student to adopt transgender and bisexual identities.<sup>28</sup> Represented by Harmeet Dhillon's Center for American Liberty, Konen claimed the district had violated her fundamental right to direct her child's upbringing pursuant to the 14th Amendment.<sup>29</sup> In the summer of 2023, the defendant school district agreed to settle the case for \$100,000, and although the settlement included no admission of wrongdoing, Dhillon celebrated the result as a "triumph."<sup>30</sup> In July 2023, a federal district judge dismissed a similar lawsuit brought against Chico Unified School District by another parent, Aurora Regino.<sup>31</sup> Regino's 11-year-old child allegedly changed pronouns at school at the urging of a guidance counselor, but reversed this decision once parents and a grandparent became involved.<sup>32</sup>

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25. John Fensterwald, *Al Muratsuchi named new chair of Assembly Education Committee*, EDSOURCE (Jan. 6, 2023), <https://edsource.org/updates/al-muratsuchi-named-new-chair-of-assembly-education-committee>.

26. Salvador Hernandez, *California bill requiring schools to out transgender students to parents dies*, L.A. TIMES (Apr. 11, 2023), <https://www.latimes.com/california/story/2023-04-11/outing-transgender-students-california-bill-dead>.

27. *Id.*

28. Andrew J. Campa, *School district pays \$100,000 to settle suit saying it supported secret transitioning of student*, L.A. TIMES (Sept. 2, 2023), <https://www.latimes.com/california/story/2023-09-02/school-district-settles-100-000-lawsuit-that-claimed-it-supported-secret-transitioning-of-student>; *Konen v. Caldeira*, No. 5:22-CV-05195-EJD, 2023 WL 4595143 (N.D. Cal. July 17, 2023).

29. *Id.*

30. Julianne McShane, *California district pays \$100K to settle suit over support for student's gender transition*, NBC NEWS (Aug. 31, 2023), <https://www.nbcnews.com/nbc-out/out-news/california-district-pays-100k-settle-suit-support-students-gender-tran-rcna102559>.

31. *Id.*

32. Stephen Hobbs, *Judge upholds Chico school district's protection of students' gender identity from parents*, SACRAMENTO BEE (July 13, 2023), <https://www.sacbee.com/news/california/article277287168.html>.

Regino, also represented by the Center for American Liberty, appealed to the Ninth Circuit, which vacated and remanded the dismissal on procedural grounds in April 2025.<sup>33</sup>

Meanwhile, educators allied with the “parents’ rights” movement have also initiated similar litigation. Jessica Tapia, a former physical education teacher at Jurupa Valley High School, in 2023 sued the Jurupa Unified School District for wrongful termination, claiming that policies compelling her to honor all students’ requested pronouns, allow all students to use the locker room best aligned with their gender identity, and “withhold information” about student gender identity from parents pending student consent, had violated her First Amendment rights to freedom of expression and freedom of religious exercise.<sup>34</sup> In May 2024, the district agreed to settle, paying \$275,000 in damages to Tapia and an additional \$75,000 in attorney’s fees to her counsel at Advocates for Faith & Freedom.<sup>35</sup> In a similar but still-pending case, two teachers represented by the Thomas More Society, who contend the Escondido Union School District’s policies regarding confidentiality of student gender identity disclosures and affirmation of student gender identities violated their First Amendment rights, secured a preliminary injunction exempting them from compliance with those district policies.<sup>36</sup> The California litigation and its mixed results parallel developments elsewhere in the country.<sup>37</sup>

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33. Regino v. Staley, No. 23-16031, slip op. at 31-32 (9th Cir. Apr. 4, 2025).

34. Grace Toohey, *SoCal district to pay \$360K to teacher who was fired after refusing to follow transgender policies*, L.A. TIMES (May 15, 2024), <https://www.latimes.com/california/story/2024-05-15/california-district-to-pay-360k-to-teacher-who-was-fired-after-refusing-to-follow-transgender-policies>.

35. *Id.*

36. Mirabelli v. Olson, No. 323CV00768BENWVG, 2023 WL 5976992, at \*1203 (S.D. Cal., Sept. 14, 2023); *see also* City News Service, *Judge grants injunction favoring Escondido teachers who sued over student gender-identity policy*, NBC SAN DIEGO (Sept. 15, 2023), <https://www.nbcsandiego.com/news/local/judge-grants-injunction-favoring-escondido-teachers-who-sued-over-student-gender-identity-policy/3307047/>.

37. *See, e.g.*, Littlejohn v. Sch. Bd. Of Leon Cnty., Fla., 647 F.Supp.3d 1271 (N.D. Fla. 2022), *appeal pending at 11th Circuit* (dismissing parental due process challenge to school staff’s affirmation of middle schooler’s chosen name, pronouns, and field trip housing arrangement); Vesely v. Ill. Sch. Dist. 45, 669 F.Supp.3d 706 (N.D. Ill. 2023) (dismissing father’s due process challenge to school permitting his trans daughter to use her chosen name and pronouns and dress in a feminine manner at school without his consent); Parents Defending Educ. v. Olentangy Local Sch. Dist. Bd. of Educ., 2024 WL 3992579 (S.D. Ohio, Aug. 28, 2024) (denying motion to dismiss in parental due process challenge to school district’s various policies related to affirming trans students’ identities); T.F. v. Kettle Moraine Sch. Dist., 2023 WL 6544917 (Waukesha County Cir. Ct., Oct. 3, 2023) (granting parent plaintiffs’ motion for summary judgment in challenge to unofficial school policy of affirming transgender students’ identities without requiring parental notification).

Meanwhile, conservative school boards around the state began adopting “forced outing” policies reminiscent of Assemblymember Essayli’s failed state-level proposal (and of state-level bills that have been signed into law in places like Idaho, Tennessee, and South Carolina).<sup>38</sup> First and most famously, the Chino Valley Unified School District (“CVUSD”) in July 2023 adopted Board Policy 5020.1, requiring school staff to notify parents within three days of any student’s request to use a name or pronoun at school different from those listed on their official school records, or to access facilities or activities based on their gender identity rather than their sex assigned at birth.<sup>39</sup> The policy sparked intense public debate at school board meetings, in which many LGBTQ students and alumni spoke out about how it would aggravate the hostile climate they had already endured in the district, and in which State Superintendent Tony Thurmond spoke in opposition to the proposal but was escorted out by a security officer while asserting a right to speak further.<sup>40</sup> One school board member supporting the policy referred on the record to the status of being transgender as “an illusion” and “mental illness,” and to sociopolitical support for transgender identities as “death culture.”<sup>41</sup> Another board member stated that the forced outing policy was necessary to prevent “the abolition of the family,” referencing the *Communist Manifesto*.<sup>42</sup> Board President Sonja Shaw indicated she was supporting the policy because TGNC youth needed “non-affirming” parental interventions in order to “get better.”<sup>43</sup> CVUSD’s board enacted the policy by a 4-1 vote, with the dissenting member noting that its passage would “effectively shut the door on students confiding to a staff member or a teacher” and thus prevent school from being “a supportive place.”<sup>44</sup>

In the following weeks, the Temecula Valley and Murrieta Valley Unified School Districts in Southern California as well as the Anderson

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38. Seldin, *supra* note 24; see also *Equality Maps: Forced Outing of Transgender Youth in Schools*, MOVEMENT ADVANCEMENT PROJECT, <https://lgbtmap.org/equality-maps/youth/forced-outing> (showing eight states as mandating some form of forced outing of students perceived as transgender in their public schools, and five others as promoting it).

39. CHINO VALLEY UNIFIED SCH. DIST., BP 5020.1: PARENTAL NOTIFICATION (July 20, 2023).

40. John Ferrannini, *Win for Bonta as judge blocks Chino Valley school district’s forced outing policy*, BAY AREA REP. (Sept. 6, 2023), <https://www.ebar.com/story.php?ch=news&sc=legal&id=328148>.

41. Memorandum of Points and Authorities, *People of California v. Chino Valley Unified Sch. Dist.*, No. CIVSB2317301 (Cal. Super. Ct. San Bernardino Cnty., filed Aug. 19, 2023).

42. *Id.*

43. Complaint, ¶¶ 58-64, *People of California v. Chino Valley Unified Sch. Dist.*, No. CIVSB2317301 (Cal. Super. Ct. San Bernardino Cnty., filed Aug. 28, 2023) [hereinafter Chino Complaint].

44. *Id.* ¶¶ 65-66.

Union High School District in Northern California adopted forced outing policies nearly identical to Chino Valley's.<sup>45</sup> Subsequently, several more California school districts<sup>46</sup> and at least one network of charter schools<sup>47</sup> adopted their own forced outing policies. Assemblymember Essayli was among the leaders of a coordinated campaign to pass such policies at the local school board level around the state.<sup>48</sup>

Attorney General Bonta promptly announced an investigation of Chino Valley USD's apparent noncompliance with state law.<sup>49</sup> A few weeks later, the Attorney General's Office filed a lawsuit against CVUSD, alleging that Board Policy 5020.1 violated not only the Privacy Clause of the state constitution, but also the Equal Protection Clause of the state constitution and nondiscrimination provisions of the Education Code and Government Code, because it targeted TGNC students.<sup>50</sup> The CVUSD lawsuit detailed the disruptive effects the policy was having on LGBTQ students and educators at CVUSD's high schools, including negative impacts on students' mental health and class participation.<sup>51</sup>

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45. Phillip Zonkel, *Orange County Board of Education joins legal challenge against ban on "forced outing" policies*, Q VOICE NEWS (Aug. 27, 2024), <https://qvoicenews.com/2024/08/27/orange-county-board-of-education-joins-legal-challenge-against-ban-on-forced-outing-policies/>.

46. See, e.g., Press Release, Cal. Dep't of Justice, Attorney General Bonta: Dry Creek Joint Elementary School District Board's Forced Outing Policy Threatens the Safety and Privacy of California LGBTQ+ Students (Sept. 15, 2023); Trudy Ring, *Two More California School Districts OK Forced Outing of Trans Students*, ADVOCATE (Sept. 8, 2023), <https://www.advocate.com/education/california-transgender-youth-outing> (reporting adoption of forced outing policies in Rocklin and Orange Unified districts).

47. Kristen Taketa, *San Diego County charter school network drops policy protecting transgender students' privacy*, SAN DIEGO UNION-TRIBUNE (July 23, 2024), <https://www.sandiegouniontribune.com/2023/11/15/san-diego-county-charter-school-network-drops-policy-protecting-transgender-students-privacy/>.

48. See Rachel Bluth, *A Second Amendment amendment*, POLITICO CAL. PLAYBOOK PM (Aug. 14, 2023), <https://www.politico.com/newsletters/california-playbook-pm/2023/08/14/a-second-amendment-amendment-00111180> (linking Asm. Essayli to the Coalition for Parental Rights and passage of forced outing policies in Chino and Murrieta); see also COAL. FOR PARENTAL RTS., <https://caparentalrights.com/> (last visited Jan. 24, 2025), (listing twenty-three organizations as members of the "Coalition for Parental Rights").

49. Press Release, Cal. Dep't of Just., Attorney General Rob Bonta Launches Civil Rights Investigation into Chino Valley Unified's Policy of Forced Gender Status Disclosure (Aug. 4, 2023), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-chino-valley-unified>.

50. Chino Complaint, *supra* note 43, ¶¶ 109-29.

51. *Id.* ¶¶ 78-108.

The state obtained a temporary restraining order<sup>52</sup> and then a preliminary injunction,<sup>53</sup> blocking enforcement of CVUSD's policy. In March 2024, the district formally rescinded Board Policy 5020.1, but board members and the district's outside counsel with Liberty Justice Center continued to publicly defend the policy. Accordingly, the Attorney General's Office moved for summary judgment in its enforcement case and ultimately secured an order permanently enjoining the implementation or reenactment of the forced outing policy by CVUSD.<sup>54</sup> In its summary judgment ruling, the San Bernardino Superior Court noted that, as expert testimony in the case had confirmed, "there is nothing inherently wrong or pathologically wrong with being transgender or gender nonconforming."<sup>55</sup> Unfortunately, this was not the end of the intense debate over forced outing in Chino; the CVUSD board in October 2024 adopted a "no deception" policy that vaguely directs all staff to "be truthful and honest and not misrepresent, either directly or by omission," any information to parents.<sup>56</sup> Many in the CVUSD school community interpret this as an attempt to indirectly mandate forced outing, either in all instances or when parents ask questions about whether their children have done anything implying an LGBTQ identity.<sup>57</sup> The president of the Gender and Sexuality Alliance club ("GSA") at one of CVUSD's high schools reported to media outlets that, as part of a long-running campaign of bullying and harassment, he had been physically attacked and injured by another student who had been directing homophobic remarks at the GSA during a club rush event.<sup>58</sup>

Also in 2024, the Riverside Superior Court denied a preliminary injunction in a challenge to the Temecula Valley Unified School District's ("TVUSD") forced outing policy.<sup>59</sup> The lawsuit was initially brought by

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52. Order Filed: Granting TRO, *People of California v. Chino Valley Unified Sch. Dist.*, No. CIVSB2317301 (Cal. Super. Ct. San Bernardino Cnty., filed Sept. 6, 2023); *see also* Ferrannini, *supra* note 40.

53. Order Signed and Filed: Preliminary Injunction, *People of California v. Chino Valley Unified Sch. Dist.*, No. CIVSB2317301 (Cal. Super. Ct. San Bernardino Cnty., filed Jan. 11, 2024) [hereinafter *Chino Preliminary Injunction*].

54. Final Judgment and Permanent Injunction, *People of California v. Chino Valley Unified Sch. Dist.*, No. CIVSB2317301 (Cal. Super. Ct. San Bernardino Cnty., filed Oct. 3, 2024).

55. *Chino Preliminary Injunction*, *supra* note 53, at 6.

56. Jaweed Kaleem, *Banned Rainbows and 'Forced Outing.' Will Elections Reshape this Relentless School Board?*, L.A. TIMES (Nov. 1, 2024), <https://www.latimes.com/california/story/2024-11-01/chino-valley-schools-lgbtq>.

57. *Id.*

58. Erin Allday, *One Student Says He's Paid the Price for His School District's Anti-LGBT Policies*, S.F. CHRON. (Oct. 5, 2024), <https://www.sfchronicle.com/politics/article/school-trans-lgbtq-student-19814079.php>.

59. Tentative Ruling on Motion for Preliminary Injunction (later adopted as final), *Mae M. v. Komrosky*, Case No. CVSW2306224 (Cal. Super. Ct. Riverside Cnty. Feb. 23, 2024); *see also*

Public Counsel on behalf of student, parent, and educator plaintiffs as a challenge to that district's ban on teaching "critical race theory," but was then amended to add forced outing claims after TVUSD enacted a policy functionally identical to CVUSD's.<sup>60</sup> The trial court's conclusion that the policy did not unconstitutionally target transgender students because it would apply equally to either a transgender or a cisgender student who sought to update the pronouns they used at school was reminiscent of the "logic" used by courts elsewhere that have upheld state-level incursions on the rights of transgender youth, most notably the 6th Circuit in its decision allowing Tennessee to deny puberty blockers and gender-affirming hormone treatment to transgender youth in *L.W. v. Skrmetti*.<sup>61</sup> The plaintiffs in the Temecula Valley case have appealed, with *amicus* support from the Attorney General's Office,<sup>62</sup> educators' unions,<sup>63</sup> and approximately thirty LGBTQ advocacy groups.<sup>64</sup>

The California Department of Education ("CDE") also in April 2024 filed a third lawsuit challenging a district-level forced outing policy, this time against the Rocklin Unified School District in Northern California.<sup>65</sup> This third case is styled as a writ of mandate, focusing on the district's failure to comply with prior CDE "corrective action" directives after a CDE investigation found that the district was enforcing a discriminatory forced outing policy.<sup>66</sup>

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Mallika Seshadri, *Temecula Valley Unified Can Continue Enforcing Transgender Policy, CRT Ban, For Now*, EDSOURCE (Feb. 23, 2024), <https://edsource.org/2024/temecula-valley-unified-can-continue-enforcing-transgender-policy-crt-ban/706512>.

60. Vania Patino, *Anti-CRT, Parental Notification Policies at Temecula Valley Unified School District Lawsuit Heads to Court*, SPECTRUM NEWS (Jan. 23, 2024), <https://spectrumnews1.com/cal/southern-california/education/2024/01/23/anti-crt-policy-at-temecula-valley-unified-school-district-headed-to-court>.

61. 73 F.4th 408 (6th Cir. 2023). The U.S. Supreme Court granted review in *Skrmetti*, heard argument on December 4, and is expected to issue a decision in the late spring or early summer of 2025. See Quispe López, *A Landmark Trans Healthcare Case Finally Has Supreme Court Date*, THEM (Oct. 18, 2024), <https://www.them.us/story/us-v-skrmetti-scotus-case-date-hearing-arguments>.

62. Brief of Amicus Curiae The Attorney General of the State of California In Support of Plaintiffs-Appellants, *Mae M. v. Komrosky*, No. G064332 (Cal. Ct. App. 4th Dist. Div. 3 Oct. 2, 2024).

63. Brief of Amici Curiae California Teachers' Ass'n et al., *Mae M. v. Komrosky*, No. G064332 (Cal. Ct. App. 4th Dist. Div. 3 Oct. 2, 2024).

64. Brief of Amici Curiae ACLU of S. Cal. et al., *supra* note 23.

65. Petition for Writ of Mandate, *Cal. Dep't of Educ. v. Rocklin Unified Sch. Dist.*, Case No. S-CV-0052605 (Cal. Super. Ct. Placer Cnty. Apr. 10, 2024); see also Steve Large & Richard Ramos, *California Sues Rocklin Unified School District Over 'Discriminatory' Gender Notification Policy*, CBS NEWS SACRAMENTO (May 2, 2024), <https://www.cbsnews.com/sacramento/news/california-sues-rocklin-unified-discriminatory-gender-notification-policy/>.

66. Large & Ramos, *supra* note 65.

Also in late 2023, a group called Protect Kids California proposed a ballot measure that would have mandated forced outing in all California public schools (in addition to rolling back other rights and protections that transgender and gender non-conforming youth in California currently enjoy).<sup>67</sup> In the spring of 2024, the Secretary of State's office announced that the proponents had failed to secure enough valid voter signatures to place this measure on the ballot.<sup>68</sup>

The controversies over forced outing in CVUSD and other school districts, coupled with failed state-level efforts like the Essayli bill and proposed ballot measures, sparked significant agita among California's progressive educators and LGBTQ advocates. Many experienced the rise of overt forced outing policies as an incursion into California of the hateful anti-transgender policies that have gained significant traction in the majority of U.S. states since 2020 but to which California has remained largely immune. The forced outing controversy helped spark more discussion of the need to make California a "haven" or "sanctuary state" for transgender youth and their families, not only in word but in deed.<sup>69</sup>

In January 2024, advocates celebrated the introduction of Assembly Bill 1955, also known as the Support Academic Futures and Educators for Today's Youth ("SAFETY") Act, authored by Assemblymember Chris Ward and championed by the Legislature's LGBTQ Caucus.<sup>70</sup> The Act's central operative provisions make explicit that educators may not be required to share information about a student's gender identity, gender expression, or sexual orientation without consent, unless otherwise required by law, nor may any local education agency enact a policy that would require its staff to make such nonconsensual disclosures.<sup>71</sup> The statutory language notes that these provisions are declaratory of existing law. Contrary to popular belief,

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67. PROTECT KIDS OF CALIFORNIA ACT OF 2024, <https://protectkidsca.com/wp-content/uploads/2023/12/Protect-Kids-of-California-Act-of-2024-1.pdf> (last visited Apr. 24, 2025).

68. Mackenzie Mays, *Proposal to Limit Transgender Youth Rights Fails to Qualify for California's November Ballot*, L.A. TIMES (May 28, 2024), <https://www.latimes.com/california/story/2024-05-28/proposal-to-limit-transgender-student-rights-wont-be-on-california-ballot-after-support-falls-short>.

69. This mirrors 2022-23 efforts to make California a "safe haven state" for seekers and providers of abortion and other reproductive health care that was increasingly being criminalized elsewhere. See, e.g., Press Release, Governor Gavin Newsom, *California Expands Access and Protections for Reproductive Health Care* (Sept. 27, 2023), <https://www.gov.ca.gov/2023/09/27/california-expands-access-and-protections-for-reproductive-health-care/> (describing nine newly signed bills as building on "California's nation-leading efforts to safeguard access to reproductive health care and remain a safe haven state").

70. Support Academic Futures and Educators for Today's Youth Act, Cal. Legis. Serv. Ch. 95 (A.B. No. 1955) (2024).

71. CAL. EDUC. CODE §§ 220.3, 220.5.

the SAFETY Act does not prohibit educators from ever discussing a student's LGBTQ status with their family. Such communication might well be appropriate with notice to and consent from the student. Such communication is also required by other law in select circumstances, including when identity information is present in records deemed responsive when a parent formally requests their child's file pursuant to the Federal Educational Records Privacy Act.<sup>72</sup>

The SAFETY Act also includes protections for educators against retaliation or adverse employment action for complying with the inclusive curriculum requirements of California law or supporting a student's exercise of rights pursuant to the nondiscrimination sections of the Education Code.<sup>73</sup> Finally, the Act requires the California Department of Education to post online and periodically update information about various types of "supports and community resources" related to LGBTQ youth concerns, intended for the benefit of the parents, guardians, and families of LGBTQ youth.<sup>74</sup>

The SAFETY Act sparked intense debates in the Legislature, echoing the charged rhetoric associated with these issues beyond the Capitol. Brave TGNC youth testified in committee about the harrowing experiences of bullying and harassment they had endured and the importance of controlling their own coming out process. As the bill progressed, a late June Assembly floor session "descended into chaos"<sup>75</sup> when Assemblymember Essayli repeatedly demanded more time to speak in opposition and was denied by the presiding officer.<sup>76</sup> Assemblymember Essayli then got into a heated argument with Assemblymember Dr. Cory Jackson, a member of the LGBTQ Legislative Caucus, the founder of a youth organizing and mentorship group in San Bernardino County, and the author of the previous year's Safe Place to Learn Act.<sup>77</sup> Assembly leaders eventually called a recess in an apparent attempt to help defuse the conflict.<sup>78</sup> In the course of the emotional day, several Democratic legislators spoke firsthand about "coming out" struggles that were part of their family or personal histories. Assemblymember Evan Low, a veteran member of the LGBTQ Legislative

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72. 20 U.S.C. § 1232g.

73. CAL. EDUC. CODE § 220.1.

74. CAL. EDUC. CODE § 217.

75. Alan Riquelmy, *Bill to Stop 'Forced Outing' of California Students Heads to Governor's Desk*, COURTHOUSE NEWS SERV. (June 27, 2024), <https://www.courthousenews.com/california-bill-stopping-forced-outing-of-students-heads-to-governors-desk/>.

76. *Assembly Floor*, DIGITAL DEMOCRACY CALMATTERS (June 27, 2024), <https://calmatters.digitaldemocracy.org/hearings/258188?t=122&f=6394e5fc76d453c416437a29%20cfdea82d> (last visited Jan. 25, 2024).

77. Riquelmy, *supra* note 75.

78. *Assembly Floor*, *supra* note 76.

Caucus, recounted how his mother had told him at age seven that he would be disowned if he were gay, but decades later had come around to participating in Pride parades with him.<sup>79</sup> Assemblymember Lori Wilson spoke of her family's efforts to support a transgender child, including her frustration at first hearing that her son was identifying as transgender from his teacher rather than his being allowed to come out to her at his own pace.<sup>80</sup> At the conclusion of the hearing, in a rare and moving gesture of solidarity, the entire Democratic caucus rose to physically stand behind Assemblymember Ward as he presented AB 1955 for a vote. The bill ultimately passed the Assembly by a vote of 75-15 (with no vote recorded for five additional members) and the Senate by a vote of 29-8 (with no vote recorded for three additional Senators).<sup>81</sup>

Governor Newsom signed the SAFETY Act into law on July 15, 2024.<sup>82</sup> Shortly after the Governor issued his signing statement, SpaceX and X CEO Elon Musk stated on X (formerly Twitter) that the Act was the "last straw" inspiring him to move the headquarters of both companies from California to Texas.<sup>83</sup>

Forced outing proponents quickly filed two lawsuits challenging the constitutionality of the SAFETY Act. The first, *Chino Valley Unified School District v. Newsom*, is essentially a countersuit responding to Attorney General Bonta's successful enforcement case against CVUSD. Represented by Liberty Justice Center, the district itself and several parent plaintiffs contend that the SAFETY Act infringes on the fundamental right to direct the upbringing of children pursuant to the 14th Amendment.<sup>84</sup> Meanwhile, elected officials in Huntington Beach in Orange County sought to maintain its reactionary conservative brand by declaring Huntington Beach a "Parents'

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79. *Id.*

80. *Id.*

81. CALIFORNIA LEGISLATIVE INFORMATION, AB-1955 SUPPORT ACADEMIC FUTURES AND EDUCATORS FOR TODAY'S YOUTH ACT (2023-2024): VOTES, [https://leginfo.legislature.ca.gov/faces/billVotesClient.xhtml?bill\\_id=202320240AB1955](https://leginfo.legislature.ca.gov/faces/billVotesClient.xhtml?bill_id=202320240AB1955).

82. Press Release, Assemblymember Christopher M. Ward, New SAFETY Act Signed into Law to Protect LGBTQ+ Students in California (July 15, 2024), <https://a78.asmdc.org/press-releases/20240715-new-safety-act-signed-law-protect-lgbtq-students-california>.

83. Samantha Riedel, *Elon Musk Says X Will Leave California Because of a New Law That Protects Trans Kids*, THEM (July 17, 2024) <https://www.them.us/story/elon-musk-x-spacex-twitter-move-california-texas>.

84. Complaint, *Chino Valley Unified Sch. Dist. v. Newsom*, No. 2:24-cv-01941-JDP (E.D. Cal., July 16, 2024); Terry Castleman, *Southern California School District Sues Gov. Gavin Newsom Over New Transgender School Law*, L.A. TIMES (July 18, 2024), <https://www.latimes.com/california/story/2024-07-18/conservative-legal-group-sues-gov-newsom-over-new-transgender-school-law>.

Right to Know City.”<sup>85</sup> The City Council passed an ordinance stating that “[n]o educators in the City of Huntington Beach,” including those working for municipal libraries and the city department of parks and recreation, “shall withhold any information related to a minor’s sexual orientation, gender identity, or gender expression” from their parents.<sup>86</sup> Speculation spiraled about whether this meant librarians were expected to call home about what books every child patron chose to browse, or park workers were expected to provide notification about what outfits kids wore to play tag on City property. It is not clear what, if any, practical effect this language is currently having on youth experiences in Huntington Beach, but the ordinance appears at least partially calculated to try to manufacture standing for the city to pursue additional litigation on the issue. Even though California cities have no control over separately governed public schools, the City of Huntington Beach and nine additional parent plaintiffs, represented by America First Legal Foundation, filed a second federal lawsuit challenging the SAFETY Act’s constitutionality, naming as defendants Governor Newsom, Attorney General Bonta, and Superintendent Thurmond.<sup>87</sup>

As of April 2025, neither of the legal challenges to the SAFETY Act has yielded injunctive relief for the plaintiffs, so the Act has been in effect since January. But meanwhile, a series of developments at the federal level have sparked concern about California’s ability to maintain its strong protections for transgender students. Executive Order 14190 proclaimed the Trump administration’s commitment to “protecting parental rights” and instructed various federal officials to pursue “eliminating Federal funding or support for illegal and discriminatory treatment and indoctrination in K-12 schools, including based on gender ideology . . . “ which was defined in a separate executive order to encompass virtually any acknowledgment of a trans person’s identity as real.<sup>88</sup> The Order specifically forbade the use of federal funds to “directly or indirectly support the social transition of a minor student, including through school staff or teachers or through deliberately

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85. Matt Szabo, *Huntington Beach City Council Majority Approves of Parents’ Right to Know Ordinance*, L.A. TIMES (Sept. 4, 2024), <https://www.latimes.com/socal/daily-pilot/news/story/2024-09-04/huntington-beach-approves-introduction-of-parents-right-to-know-ordinance>.

86. Huntington Beach, Cal., Ordinance No. 4326 (Sept. 17, 2024), <https://cms3.revize.com/revize/huntingtonbeachca/bus-directory/Government/City%20Clerk/Synopses/4326-%20Adding%20Ch.%201.23%20to%20HBM%20-%20Parents%20Right%20to%20Know%20.pdf>.

87. Complaint, *Huntington Beach v. Newsom*, No. 8:24-cv-02017-CBM-JDE (C.D. Cal., Sept. 17, 2024); Ashleigh Fields, *California City Sues State over Gender Notification Law*, HILL (Sept. 19, 2024), <https://thehill.com/homenews/state-watch/4888938-huntington-beach-sues-california-gender-notification/>.

88. Exec. Order No. 14,190 (citing Exec. Order No. 14,168, 90 Fed. Reg. 8,615), 90 Fed. Reg. 8,853).

concealing the minor's social transition from the minor's parents."<sup>89</sup> The Trump administration also announced an investigation of the California Department of Education for allegedly violating FERPA by enforcing the SAFETY Act.<sup>90</sup> Meanwhile, the nominations of Bill Essayli as United States Attorney for the Central District of California and Harmeet Dhillon as Assistant Attorney General for Civil Rights heightened expectations that the federal Department of Justice will target California for additional legal actions seeking to roll back, among other things, protections for transgender students and their privacy.<sup>91</sup>

The most recent attacks on the SAFETY Act retread much of the same ground covered in the previous round of litigation challenging trans-affirming and privacy-protective policies at the school district level and in policy debates in California and beyond. They strive to foment and capitalize on anxiety among parents, characterizing teachers and educators as untrustworthy figures. They conflate social transition with medical transition and claim that going by a different pronoun in the tween years sets in motion a chain of horrific events likely to end up in harmful surgeries and/or death. They conveniently ignore the caselaw wherein federal courts have considered the relationship between the fundamental right to parent one's children and the realities of administering a public school, and rejected claims that parents have a constitutional right to micromanage their children's educational experiences.<sup>92</sup> They often trot out horror stories of

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89. *Id.* Although this order has no legal effect on its own, it may portend efforts to terminate federal financial support for public education in states like California whose trans-inclusive and otherwise progressive policies run afoul of the federal administration's interpretations of Title IX and/or other federal laws. *See also* Craig Trainor, Acting Ass't Sec'y for Civil Rights, U.S. Dep't of Educ., Dear Colleague letter (Feb. 4, 2025), <https://ed.gov/media/document/title-ix-enforcement-directive-dcl-109477.pdf> (explaining that the Trump administration intends to enforce Title IX in a manner that invalidates transgender identities).

90. Press Release, U.S. Dep't of Educ., U.S. Dep't of Educ. Launches Investigation into California Dep't of Educ. For Alleged FERPA Violations (Mar. 27, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-california-department-of-education-alleged-ferpa-violations>.

91. Blake Jones, *Trump picks lightning-rod California legislator to be US attorney in Los Angeles*, POLITICO (Apr. 1, 2025), <https://www.politico.com/news/2025/04/01/donald-trump-lightning-rod-california-legislator-us-attorney-los-angeles-00265322>; Sarah N. Lynch, *US Senate confirms Trump loyalist to lead Justice Department civil rights unit*, REUTERS (Apr. 3, 2025), <https://www.reuters.com/world/us/us-senate-confirms-trump-loyalist-lead-justice-department-civil-rights-unit-2025-04-04/>.

92. *See, e.g.*, *Fields v. Palmdale Sch. Dist.*, 427 F.3d 1197, 1207 (9th Cir. 2005) (holding that the fundamental right to control the upbringing of one's children does not "extend beyond the threshold of the school door"); *Cal. Parents for the Equalization of Educ. Materials v. Torlakson*, 973 F.3d 1010, 1020 (9th Cir. 2020) (parents do not have "a due process right to interfere with curriculum, discipline, hours of instructions, or the nature of other curricular or extracurricular activities" within public schools); *Parents for Privacy v. Barr*, 949 F.3d 1210, 1217-19, 1230, 1239-

“detransitioners” as evidence that affirming trans or nonbinary identity in youth is harmful, when there are really dozens of steps and decisions between trying out a new pronoun and undergoing gender-affirming surgery, particularly for minors, and when detransition often reflects giving up on a still-desired transition process amidst fervent pushback and inadequate support.<sup>93</sup>

At bottom, those fighting in favor of forced outing policies in California and beyond rely heavily on the twin misperceptions that gender exploration is both harmful and a one-way ratchet. More fundamentally, this policy debate reflects a rift between those who understand that it is healthy for young people to try things on and chart their own informed course, and those who seek to restrict young people’s options for their own good.<sup>94</sup>

Much of the public discussion about forced outing in California has focused on the acute problems that can befall students outed to their families without their consent. Indeed, it is appropriate to center the experiences of young people whose parents or guardians are unsupportive and whose “outing” pursuant to these policies causes them grievous emotional and other harms. The precautionary principle of preventing such encounters should be reason enough to keep forced outing policies off the books (whether by school board vote or court injunction).

At the same time, public conversations about this may not have adequately acknowledged the subtler harms that result when forced outing policies have their intended effect, which is to deter young people from coming out or making gender-related requests in the school setting in the first

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40 (9th Cir. 2020) (holding that in rejecting conservative parents’ challenge to an Oregon school district’s policy of allowing all students to access restrooms based on their gender identity, noting that parents “have a right to remove their children” from public school, but not to dictate policy specifics at the public schools where they choose to enroll their children).

93. Jack Turban et al., *Factors Leading to ‘Detransition’ Among Transgender and Gender Diverse People in the United States: A Mixed-Methods Analysis*, 8 LGBT HEALTH 273, 273-80 (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8213007/>.

94. See, e.g., Erin Allday, *This California School District Just Adopted a New Policy on Transgender Students*, S.F. CHRON. (Oct. 17, 2024), <https://www.sfchronicle.com/politics/article/california-school-district-adopts-new-policy-19842436.php> (quoting a “right-wing social media influencer” who spoke at a CVUSD board meeting in support of a parental notification policy: “Parents just want to have full control . . . over their children”). Many of the latter find comfort in studies from decades ago indicating that the majority of children whose parents sought medical support for their gender nonconformity “desisted” and did not identify as transgender some amount of time later, taking this as evidence that denying and tamping down feelings is healthy and effective. In reality, among other flaws in those studies, the “desisters” include many patients who were deterred by familial and/or medical misdirection but came out as transgender later in their adult lives, as well as many who all along expressed a nonbinary identity that researchers were unable or unwilling to account for. Baer Karrington, *Defining Desistance: Exploring Desistance in Transgender and Gender Expansive Youth Through Systematic Literature Review*, 7 TRANSGENDER HEALTH 189, 209-10 (2022), <https://doi.org/10.1089/trgh.2020.0129>.

place.<sup>95</sup> The proponents of forced outing policies perceive this as good for the students themselves,<sup>96</sup> and also for peers and educators who will not be exposed to or have to deal with a trans person. But attempting to conceal gender questions and epiphanies, rather than explore them, will have deleterious effects on young people.<sup>97</sup>

Those who try to tamp down a marginalized identity rarely succeed in the long term. Thoughts that were closely held or denied even to the individuals themselves over long periods of time often burst forth later in adulthood, resulting in long journey stories riddled with words like anguish, guilt, confusion, denial, panic, self-medication, and self-harm. Families are sometimes destroyed when the cascade of truths finally pours out. There is rarely space to acknowledge how much happier the individual could have been if allowed to access and begin working to understand the stigmatized aspect(s) of their authentic self, from its first glimmers of emergence before or during adolescence.

Policymakers in many parts of the state continue to encourage or mandate outing of students to their families, evading the barricades courts and California's Legislature have tried to build to block such practices. The Trump administration has launched a barrage of new attacks on California's LGBTQ students and other marginalized communities, reducing the amount of resources available for the forced outing battle specifically. But forced

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95. According to the State's complaint against CVUSD, one of the high school principals in that district informed teachers that upon hearing of a student who had taken steps to express a change of gender potentially triggering Policy 5020.1, he intended to call the student out of class, inform them of "what was going to happen," and encourage them to "walk it back," i.e., disclaim any assertion of a non-cisgender identity, so as to avert outing to their parents. Chino Complaint, *supra* note 50, ¶ 84. See also Melissa Gomez, 'Kids are Having to Use their Deadname': Students say Gender Policies make Schools Feel Unsafe, L.A. TIMES (Sept. 21, 2023), <https://www.latimes.com/california/story/2023-09-21/transgender-students-parental-notification-policies-schools-lgbtq-forced-outing> (quoting psychologist who sees forced outing policies as reducing the likelihood that young people will seek help with LGBTQ issues from school counselors or other school staff, and quoting Murrieta Valley USD seventh-grader's comments at a school board meeting about proposed forced outing policy boosting the comfort of select adults but causing "children [to] fear their teachers, their parents, their peers, and worst of all, themselves").

96. See Chino Complaint, *supra* note 43.

97. See, e.g., Trevor Project, *Research Brief: Acceptance from Adults is Associated with Lower Rates of Suicide Attempts Among LGBTQ Young People* (Sept. 22, 2023), <https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023/> (finding that being out to at least one supportive adult correlated with significantly lower rates of attempting suicide among LGBTQ adolescents); Alexandra Suppes et al., *Unhealthy Closets, Discriminatory Dwellings: The Mental Health Benefits and Costs of Being Open about One's Sexual Minority Status*, 285 SOC. SCI. & MED. (2021), <https://www.sciencedirect.com/science/article/pii/S0277953621006183> (finding that openness about LGBTQ+ identity had a "net benefit on mental health" in a large survey of LGBTQ+ Americans).

outing is worth fighting, not only to prevent young people from the psychological and other harms of being outed before they are ready, but also to protect them from the trauma of being pressed *in* to a corrosive closet during their formative years.