



Mirabelli SCOTUS Per Curiam Opinion FAQ

- California can and must continue to support all young people’s right to be themselves, at school and beyond, despite the Supreme Court’s March 2 per curiam order in *Mirabelli v. Bonta*, which was preliminary and not a final resolution of the case.
- Students of all races, backgrounds, sexual orientations, and genders deserve to feel safe, supported, and affirmed at school—and trans and nonbinary students are no different.

Case Background

- *Mirabelli v. Bonta* is a federal lawsuit filed in April 2023 in California. The Plaintiffs are teachers and parents bringing free speech, free exercise, and due process claims to challenge California laws and policies protecting transgender and gender nonconforming students from mandatory disclosure of gender-identity information to parents without the student’s consent. The lawsuit is against officials at Escondido Unified School District, State Superintendent Tony Thurmond and members of the California State Board of Education, and Attorney General Rob Bonta.
- In December 2025, the district court granted Plaintiffs’ motion for summary judgment and issued a permanent injunction blocking the policies that prevent forced outing. The injunction was stayed by the Ninth Circuit shortly thereafter pending appeal; however, Plaintiffs sought emergency relief from the U.S. Supreme Court.
- In March 2026, the U.S. Supreme Court issued a per curiam order allowing the permanent injunction to go partially back into effect during the appeal process as to the parent plaintiffs. This means that for now, the policies protecting youth from forced outing cannot be enforced against parents who object to them. The Court

found that the parent plaintiffs are likely to succeed on their free exercise and substantive due process claims.

- The case will continue on appeal before the Ninth Circuit.

What did the Supreme Court's Per Curiam Order Do?

- In its March 2 interim order, the Supreme Court revived the portions of the District Court's December 2025 ruling as to parents only. The order does not address the claims of teachers who object to California law on religious grounds.
- The Court did not resolve ultimate constitutional issues, which remain pending before the Ninth Circuit.
- The order narrowly addresses the rights of parents who object to a school's affirmation of a student's gender identity that differs from their sex assigned at birth without parental consent. The Court concluded that those parents will likely be able to succeed in their free exercise and due process claims against California policies that prohibit schools from notifying parents of a student's "gender transition" at school without the student's consent. Although the Court did not define the term "gender transition," it cited a student's request to a school to use names and pronouns different than those the student uses at home.
- The Court also noted, however, that "the State's interest in [student] safety could be served by a policy that allows religious exemptions while precluding gender-identity disclosure to parents who would engage in abuse."
- This decision is especially pernicious both because the Court acted in an "emergency" posture, without allowing California to present a full evidentiary record or be heard in an oral argument, and also because it comes at a time when trans and nonbinary youth and their families are under siege from a coordinated series of political attacks on their health care, sports participation, and very existence.

Does the Court's Order Change California Law?

- California law still requires that schools affirm students' gender identity and this has not changed. Schools must also continue to comply with existing antidiscrimination protections and inclusive education laws.

- The law that California enacted in 2024—the SAFETY Act (AB 1955)—is also still in effect, so it remains illegal for any California school district to adopt a blanket policy mandating the outing of trans and nonbinary students to their parents without their consent.
- The Court’s order also did not recognize any constitutional right of teachers or other school staff to out students to their parents or anyone else based on their perception of the student.

What Should Schools Do?

- Schools can and must continue to affirm trans and nonbinary students to the best of their ability. While the impact of the Court’s preliminary order will become clearer after the appeal is resolved on the merits, California law might now be understood to allow parents a right to object if their student asks a school for support in gender transitioning.
- The Court did recognize that it may not be safe for all students to come out at home and acknowledged that schools can preclude disclosure to parents where they have concerns parents may engage in abuse. Coming out is a deeply personal process that every person deserves the right to pursue at their own pace. Families may react in a variety of ways to this process, and forcing a student to come out before they are ready can cause serious harm. While many families are immediately ready to be supportive, others may react in ways that could lead to serious trauma, harmful responses like conversion therapy, or even escalation to violence.
- Schools should continue to play a role in supporting students working towards family support. Simply relying on mandatory reporting laws and removals to the foster system—as the Court’s order suggests—subjects trans and nonbinary young people to serious additional harm and trauma. Schools should use every tool at their disposal to help trans and nonbinary students live safely with their families rather than entering the foster system, including supporting those whose families are not immediately affirming.
- Schools must continue to comply with California’s LGBTQ+ competency training requirements. The Supreme Court mischaracterized the PRISM program. California law requires that certificated school staff serving 7th-12th grade students receive LGBTQ+ cultural competency training to ensure that students of all backgrounds feel supported and connected at school. While this training must meet rigorous requirements, school districts have discretion in selecting which curriculum they

use to satisfy the requirements. The state-created PRISM curriculum is free and meets all requirements, but it is only one option for training educators.

What Should We All Do?

- This decision will make it more difficult for some students to be fully themselves in the classroom and heighten stress for young people who are trans, nonbinary, or questioning their gender. Mustering support for these young people is critically important.
 - We need to invest in more of the resources trans and nonbinary young people need, at school and beyond—from library books and curricular materials reflective of their experience, to LGBTQ+ community centers providing support groups and other safe spaces, to affirming mental health care.
 - We need to maximize students' access to Genders & Sexualities Alliances and similar student-led clubs that foster a sense of supportive community and are proven to improve educational outcomes.
 - We need to ensure young people have clear information about the implications of coming out at school. It is critical that youth understand their privacy and disclosure rights at school so they can make informed decisions about when, where, and with whom to come out.
 - Adult allies need to show and explicitly tell the young people in our lives that they can trust us to stand up for their rights, safety, and dignity regardless of their gender identity, even and especially when times get tough.
- While the Court may have limited the amount of support schools can provide for students with nonaffirming parents, other students continue to have the right to respect one another's names and pronouns, including at school. Nothing in the Court's order precludes that continued dignity for transgender students.