



# PARENTS

Parental Action and Rights Enforcement  
to ensure Notice, Transparency, and Safety

— A Liberty Justice Center initiative —



June 2, 2026

*Via mail & e-mail*

Attorney General Rob Bonta  
Office of the Attorney General of California  
1300 I Street, 17th Floor  
Sacramento, CA 95814  
piu@doj.ca.gov

**Re: Secret gender transition policies across California school districts**

Dear Attorney General Bonta:

I write on behalf of Liberty Justice Center, a public interest legal organization whose mission is to provide pro bono legal services to Americans facing the loss of their rights as a result of the abuse of government power. We are counsel representing plaintiffs in multiple lawsuits concerning secret K-12 gender transition and parental notification policies, including in California.

The purpose of this letter is to inform you that, per California's Assembly Bill 1955 (AB 1955), approximately **600 California school districts** have secret gender transition policies violating federal law. As shown in a first-of-its-kind list compiled by [Defending Education](#),<sup>1</sup> these districts openly state that district personnel can or should keep a student's transgender status hidden from their parents.

For the reasons set forth below, your office should immediately advise the identified school districts of their obligation to comply with federal law and provide parents with essential information concerning the welfare of their children.

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<sup>1</sup> *List of School District Transgender – Gender Nonconforming Student Policies*, Defending Education, available at <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>.

## 1. The First and Fourteenth Amendments require parental notification of children's attempts to transition genders.

A recent decision by the U.S. Supreme Court concerning a California secret gender transition policy makes it clear that parents have the legal right to be informed of their children's attempts to socially transition genders at school, as the California Department of Education itself acknowledges.<sup>2</sup>

As you are well aware, since you were a named defendant in the case, *Mirabelli v. Bonta*<sup>3</sup> concerned two sets of parents who objected to a school policy keeping them in the dark when their daughter began to present as a boy and use a male name and male pronouns during her seventh-grade year. When the parents found out and instructed the school to stop, teachers and school officials continued to use a male name and pronouns for their daughter. During litigation, the parents claimed that these policies violated their rights under the Free Exercise Clause of the First Amendment and the Due Process Clause of the Fourteenth Amendment.

The Supreme Court agreed with the parents.

Reviewing the likelihood of success on the merits of their claims, the Court made clear that under long-established precedent, that parents—not the State—have primary authority with respect to the upbringing and education of children.<sup>4</sup> Policies that substantially interfere with the right of parents to guide the religious development of their children are presumed to be unconstitutional under the First Amendment.<sup>5</sup> Additionally, all parents also have the right, under the Fourteenth Amendment, not to be shut out of participation in decisions regarding their children's mental health.<sup>6</sup>

*Continued* secret gender transition policies at approximately **600 California school districts** violate the sincere religious beliefs of parents who feel a religious obligation to raise their children in accordance with those beliefs. The policies also violate the rights of parents who object on due process grounds. Gender dysphoria is a condition that has an important bearing on a child's mental health, and policies concealing that information from parents likely violate parents' rights to direct the upbringing and education of their children.

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<sup>2</sup> *Protections for LGBTQ+ Students: AB 1955*, California Department of Education, available at <https://www.cde.ca.gov/ci/pl/ab-1955-sum-of-prov.asp>.

<sup>3</sup> 224 L. Ed. 2d 310 (2026).

<sup>4</sup> *Pierce v. Society of Sisters*, 268 U. S. 510, 534– 535 (1925); *Meyer v. Nebraska*, 262 U. S. 390, 399–400 (1923).

<sup>5</sup> *Mahmoud v. Taylor*, 606 U.S. 522, 559 (2025) (citing *Wisconsin v. Yoder*, 406 U. S. 205 (1972)).

<sup>6</sup> *Parham v. J. R.*, 442 U.S. 584, 602 (1979).

By maintaining secret gender transition policies, the identified California school districts expose themselves to potential federal lawsuits premised on the First and Fourteenth Amendments to the U.S. Constitution.

## **2. The Family Educational Rights and Privacy Act (FERPA) requires parents to be notified of their children’s gender confusion.**

FERPA governs communications between schools and parents regarding students’ education and education records.<sup>7</sup> FERPA defines “education records” as documents that “contain information directly related to a student” and “are maintained by an educational agency or institution.”<sup>8</sup> Schools that receive federal funds must guarantee parental access to student education records and the ability to contest and correct errors within those records.<sup>9</sup>

Any record created by a school pertaining to a child’s gender transition is obviously a record that “contain[s] information directly related to a student” and is “maintained by an educational agency” and therefore falls within the coverage of FERPA. As such, those records must be accessible to parents.

This information is especially important given the context. Numerous studies assert that transgender-identifying and gender nonconforming students suffer from increased psychological, emotional, and physical harassment and abuse, and that transgender-identifying youth experience an abnormally high number of suicidal thoughts and make an abnormally high number of suicide attempts.<sup>10</sup>

But policies at approximately **600 school districts** across California now allow or even require schools to withhold information from parents concerning their children’s potential increased risk of psychological, emotional, and physical harassment, including the risk of suicide attempts resulting from gender dysphoria.

Such policies not only risk harming vulnerable children, but to the degree they interfere with parents’ rights under FERPA they violate federal law, and expose those districts to investigations by the United States Department of Education.

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<sup>7</sup> 20 U.S.C. § 1232g.

<sup>8</sup> *Id.* at (a)(4)(A).

<sup>9</sup> *Id.* at (a)(2).

<sup>10</sup> *E.g.*, *Standards of Care for the Health of Transgender and Gender Diverse People*, Version 8, WPATH, *International J. Trans. Health* 2022, Vol. 23, No. S1 (2022).

### **3. In a conflict with state law, the U.S. Constitution and federal law are supreme.**

As the Court made clear in *Mirabelli*, an asserted conflict with California law is not a valid excuse for continuing policies that conflict with parents' federal rights.<sup>11</sup>

Federal law preempts state law when it is impossible to comply with both federal and state law, or when state law stands as an obstacle to the accomplishment of federal objectives.<sup>12</sup> Laws like AB 1955 qualify under both theories.

AB 1955, which purports to bar schools from adopting parental notification policies without a child's consent, is in direct conflict with the federal constitutional and statutory rights described above. As noted, both religious and non-religious parents have rights protected by the U.S. Constitution to direct the upbringing and education of their children. Secret gender transition policies undermine these rights, which preempt state laws to the contrary. Further, FERPA preempts AB 1955 because any record created by a school pertaining to a child's gender transition would be a record that "contain[s] information directly related to a student" and is "maintained by an educational agency," therefore falling within FERPA.

In a contest between state preferences and federal requirements, federal law is supreme, and California should not wait for additional lawsuits or other legal actions in order to comply with federal requirements.

### **4. California has been warned about its continued unlawful conduct.**

The U.S. Department of Education's Student Privacy Policy Office (SPPO) has *already found* that the California Department of Education is in continued violation of FERPA.<sup>13</sup> According to SPPO's investigation and public records, school personnel went to great lengths to conceal children's gender transitions, including by petitioning the student management software company used in many California schools to create features hiding student name changes and pronouns from parents. Last year, it was reported that at least **300 California students** were put on "Gender Support Plans," many without parental consent or knowledge.<sup>14</sup>

Since initiating an investigation in March 2025, SPPO made several requests to the California Department of Education to issue guidance to local education agencies clarifying that parents have a right to inspect "gender support plans" under FERPA,

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<sup>11</sup> See 224 L. Ed. at 312.

<sup>12</sup> U.S. Const. art. VI, cl. 2); *M'Culloch v. Maryland*, 17 U.S. 316, 427 (1819); *Cipollone v. Liggett Grp., Inc.*, 505 U.S. 504, 516 (1992).

<sup>13</sup> [U.S. Department of Education Finds California Department of Education Violated Federal Law by Hiding Students' "Gender Transitions" from Parents](#), U.S. Dept. of Education (Jan. 28, 2026).

<sup>14</sup> *Id.*

seemingly to no avail. California's continued failure to comply with these requests and federal law exposes school districts to further legal action to enforce parents' federal rights. Litigation in the *Mirabelli* case has already cost California taxpayers at least \$4.5 million in legal fees,<sup>15</sup> and more litigation will be equally costly.<sup>16</sup>

The state should avoid future lawsuits and their related costs and voluntarily comply with the Constitution.

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For the reasons set forth above, your office should immediately advise the identified California school districts of their obligation to comply with federal law, including the First and Fourteenth Amendments and FERPA. Failure to do so may not only lead to federal investigations, but to lawsuits for the violation of federal civil rights.

Sincerely,

/s/TR Snowball

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Liberty Justice Center

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<sup>15</sup> [\*Federal Court Orders California to Pay \\$4.5 Million in Attorneys' Fees in Landmark Parental Rights Win\*](#), Thomas More Society (Mar. 31, 2026).

<sup>16</sup> [\*California Sues Ed. Dept. in Clash Over Gender Disclosures to Parents\*](#), Education Week (Feb. 13, 2026).