

# Understanding Privacy for LGBTQ+ Students

## A Resource for Educators

This guide outlines the role educators play in building an environment where students can learn best and feel safe to be their whole selves, on their own terms.

### Why Do LGBTQ+ Students Talk to Teachers First?

Teachers often become a primary point of contact for students when it comes to discussing their identity. Here's why:

- **Trusted adults:** Teachers are often viewed as trusted mentors who can provide guidance and support beyond academic matters. Students who aren't "out" at home may want to confide in educators before they navigate whether or how to share with their families.
- **Support:** Some students who come out to teachers and other trusted adults will later come out to their families, parents, or caregivers. Others will not. Navigating whether and when it is safe to come out at home is a complex decision, and students deserve respect and support as they navigate this decision.
- **Brave and accepting spaces:** Over half of surveyed LGBTQ+, trans and nonbinary youth ages 13-24 identified school as an affirming space, whereas only about a third identified home as affirming<sup>1</sup>. In supportive educational settings, students are more likely to share aspects of their identity that they may not be able to express comfortably in their home environment. LGBTQ+ youth who live in a community accepting of LGBTQ+ people also reported significantly lower rates of attempting suicide compared to those who do not.

### Legal Protections and Confidentiality

- Though the legislative landscape is shifting state by state, [federal nondiscrimination laws still offer legal protections to students](#) and their rights to privacy when it comes to most public and charter schools, and some private schools that receive public funding. Make sure to familiarize yourself with your institution's policies and guidelines so you are equipped with all the relevant information heading into the school year.
- Title IX and the Equal Protection Clause offer legal protections concerning nondiscrimination on the basis of sex (including LGBTQ+ students) and equal treatment under the law.

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<sup>1</sup> [Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health](#)

<sup>2</sup> [Southern Legal Counsel School Resources: Know Your Rights](#)

## Understanding Privacy for LGBTQ+ Students

- LGBTQ+ students have a right to privacy, even if they have disclosed identity-related information to a teacher or school official: The Family Education Rights and Privacy Act (FERPA) protects students' personal information and prohibits sharing of information without the permission of students or their parents. This also protects students from being “outed” at school against their wishes.<sup>3</sup>
- It's important to note that if a student's official education record includes information about their sexual orientation or gender identity, parents are entitled to the information.
- Simply being LGBTQ+ is not a “challenge” or “crisis” that requires disclosure. LGBTQ+ identities are joyful and worthy of celebration, and deciding with whom to share these identities, and how and when to share, is a key part of building a secure sense of self. As in all cases, a teacher's ability to maintain student confidentiality ends if there is a specific concern about safety or harm. However, these situations are relatively rare, and in most cases there is no reason to push a student to disclose this information if they do not want to.
- Though a handful of states have passed laws intended to “force” or “promote” outing students to their families, courts are largely recognizing that outing students against their wishes is a violation of their rights to privacy.<sup>4</sup> Local [ACLU](#) affiliates and organizations like [Lambda Legal](#) can offer additional guidance to educators based in these states.

## Your Role as an Educator: Enhancing Student Safety

- Be a supportive advocate: Honor names and pronouns as students disclose them to you, especially if they change throughout the year. Educate yourself about LGBTQ+ issues to become an effective advocate, fostering a welcoming and inclusive atmosphere for all students. When possible, champion LGBTQ+ inclusion at the policy level within your school — check out the resources at the end of this guide for ideas.
- Respect boundaries: Avoid invasive or prying questions about a student's identity and allow them to share what and when they feel comfortable. Respectful curiosity can be expressed by asking questions like: “what would you like me to know about what that term means for you?” or “Is there anything you want to share with me about how you are navigating things at school or at home?”
- Listen with compassion: Honor the trust students place in you by maintaining confidentiality regarding protected personal information. Be open to hearing students' concerns; this can help in assessing how to navigate any potential conversations with families.

*\*This guide is intended to include general information and is not legal advice. You should reach out to an attorney if you are seeking legal advice or legal services.*

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<sup>3</sup> [Southern Legal Counsel: Rights to Informational Privacy](#)

<sup>4</sup> [ACLU: LGBTQ+ Student Rights](#)

## Additional Resources

[Free to Be Me: A Toolkit to Protect LGBTQIA+ Students' Rights \(Texas\)](#)

[Southern Legal Counsel School Resources](#)

- [Know Your Rights one-pager](#)
- [Rights to Informational Privacy](#)

[ACLU LGBTQ Student Rights](#)

[Lambda Legal Help Desk](#)

[Family Acceptance Project: LGBTQ Youth and Family Resources](#)