ISSN 2055-0286
Advances in Social Sciences Research Journal; Vol. 13 No. 01 (2026) (22-26)
https://doi.org/10.14738/assrj.1301.19819

School Policies that Facilitate a Student's Name, and Gender Identity Change without Informing Parents, are Legally Flawed, Ethically Troubling, and Constitutionally Indefensible

Peter E. Murray

1. 490 Post St, Ste 500 PMB 2045, San Francisco, CA 94102, USA

Abstract: School policies that permit or require the concealment of a child's gender identity change from parents are legally indefensible, constitutionally impermissible, and ethically troubling. Such policies: (1) Violate state civil rights laws that require parental and judicial approval for a minor's legal name or sex designation change; (2) Conflict with state education codes that guarantee parents full access to their child's educational records; (3) Breach federal statutes, including the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment (PPRA), and Title IX, as clarified by the U.S. Department of Education in its 2025 guidance; (4) Infringe upon the fundamental rights of parents to direct the upbringing, care, and education of their children, as protected by the Due Process Clause of the Fourteenth Amendment; and (5) Circumvent informed consent laws that safeguard minors from unauthorized or non-consensual psychological or medical interventions. School transgender transition policies not only violate legal and ethical boundaries but also endanger vulnerable children by exposing them to the risk of long-term harm, all while unlawfully undermining the parent-child relationship - a cornerstone of American law and societal stability.

Keywords: School transgender transition policies, name change, gender identity change, parent informed consent, U.S. constitution, education laws.

INTRODUCTION

Secret Gender Transition Policies Violate Constitutional Parental Rights

The Supreme Court has long held that parents have a fundamental liberty interest in the care, custody, and control of their children [1-3]. School policies that facilitate a child's social gender transition - such as changes to names, pronouns, or records - without notifying or securing consent from parents intrude directly upon this constitutionally protected sphere.

These policies are not minor administrative decisions; they implicate profound psychological and developmental issues and alter a child's identity in ways that may have lifelong consequences.

When public schools exclude parents from such decisions, they trigger strict constitutional scrutiny. The Supreme Court has made clear that "natural bonds of affection lead parents to act in the best interests of their children," and absent compelling evidence of harm, the government may not override parental rights [4].

Civil Rights Law Preempts School-Facilitated Gender and Name Changes

In most states, a legal name or sex designation change for a minor requires parental involvement and judicial approval [5]. See, e.g., Matter of Cody VV., [6] (emphasizing the child's best interests and parental participation). These procedures exist precisely to ensure careful consideration and protect minors from impulsive or coerced decisions.

Even state education agencies acknowledge this legal framework. The U.S. State Education Department's 2023 "Practical Guidance" document affirms that schools must obtain parental consent before altering a student's name in official records [7].

School policies that circumvent these requirements by allowing secret gender identity changes defy state civil rights law and substitute bureaucratic discretion for judicial oversight and parental authority.

By adopting school policies that bypass these statutory procedures, school districts violate state law and subvert the legislative framework designed to protect minors and respect parental rights.

Federal Statutory Protections Reinforce Parental Rights

Federal law strengthens protections for parental rights. The Family Educational Rights and Privacy Act (FERPA) [8], guarantees parents access to their child's educational records. The Protection of Pupil Rights Amendment (PPRA) [9] further protects parental authority over counseling and psychological services offered in schools. Recent guidance from the U.S. Department of Education (2025) reiterates that schools may not lawfully withhold gender-related records or decisions from parents [10].

Withholding such material information violates federal law and undermines the statutory purpose of ensuring parental oversight.

The purpose of these statutes is not to conceal sensitive information from parents, but to equip them to fulfill their legal and moral responsibilities as guardians of their children's well-being.

Title IX Does Not Require Secret Gender Affirmation

Title IX prohibits sex-based discrimination in federally funded education programs. [11]. Past efforts by the executive branch to reinterpret Title IX to include gender identity were rejected by federal courts as exceeding statutory authority [12,13]. As the courts explained, "discrimination on the basis of sex" in Title IX refers to biological sex - not gender identity [12,13]. Title IX does not compel schools to affirm gender transitions in secret or sideline parents from their children's education and development. Secret school gender affirmation practices, that exclude parental involvement, are not protective - they are coercive and legally indefensible.

Due Process Requires Parental Involvement

Procedural due process under the Fourteenth Amendment requires notice and an opportunity to be heard before the state interferes with a protected liberty interest [14].

Substantive due process, likewise, forbids state action that unjustifiably infringes upon fundamental rights.

Policies that allow or require school personnel to socially transition a child's name and gender without involving parents deny families both notice and recourse. These changes are not minor administrative matters - they represent significant interventions into the parent-child relationship and the child's identity development. As such, they are constitutionally indefensible [4].

Secret gender transition policies deprive parents of the opportunity to fulfill their duties, without evidence of abuse or neglect, and without any compelling interest. These actions amount to unconstitutional overreach.

Social Transition is a Psychological Intervention Requiring Informed Consent

The World Professional Association for Transgender Health (WPATH) acknowledges that social gender transition - including changes in name, pronouns, and gender expression - is a psychosocial intervention. This makes it subject to medical ethics and legal requirements surrounding informed consent, particularly for minors.

State Mental Hygiene Laws [15] and licensing standards universally prohibit unlicensed school personnel from administering psychological interventions without appropriate training and parental consent [16]. Secret transitions conducted by school staff violate these safeguards and may constitute the unlicensed practice of psychology, on minors without legal authority.

Evidence and Testimony Support Parental Involvement

Emerging data, including testimony from detransitioners and studies such as Vrouenraets *et al.* [17], show that many minors experience regret and psychological trauma, and permanent harm after prematurely undergoing gender changes. The U.S. Department of Education's 2025 guidance [10] similarly documents concerns from families and medical professionals about the long-term impacts of gender transitions on children, and its insufficient oversight.

Schools must not assume the authority to make or conceal identity-altering decisions for children, particularly given the serious, long-term risks involved. By removing parents from these deeply consequential decisions, schools increase the risk of harm and deprive children of the adult guidance essential to their welfare.

***In Loco Parentis* is a Limited Delegation of Authority**

While schools may act in *loco parentis* to maintain discipline and ensure safety, that authority is limited [18]. The U.S. Supreme Court emphasized that public schools cannot "reach into a student's home and family life" absent compelling justification [18]. Schools do not have a constitutional license to exclude parents from significant decisions affecting their child [19]. This includes gender identity and name changes.

The doctrine of *in loco parentis* does not permit schools to override parents on major issues of identity, gender, medical treatment, religion, or moral formation. Policies that

exclude parents from pivotal decisions about their child's identity violate this boundary and must be invalidated. A ven diagram showing the relationship between school policies that facilitate a student's name, and gender identity change without informing parents, and the ethics and constitutional implications are show in Figure 1 below:

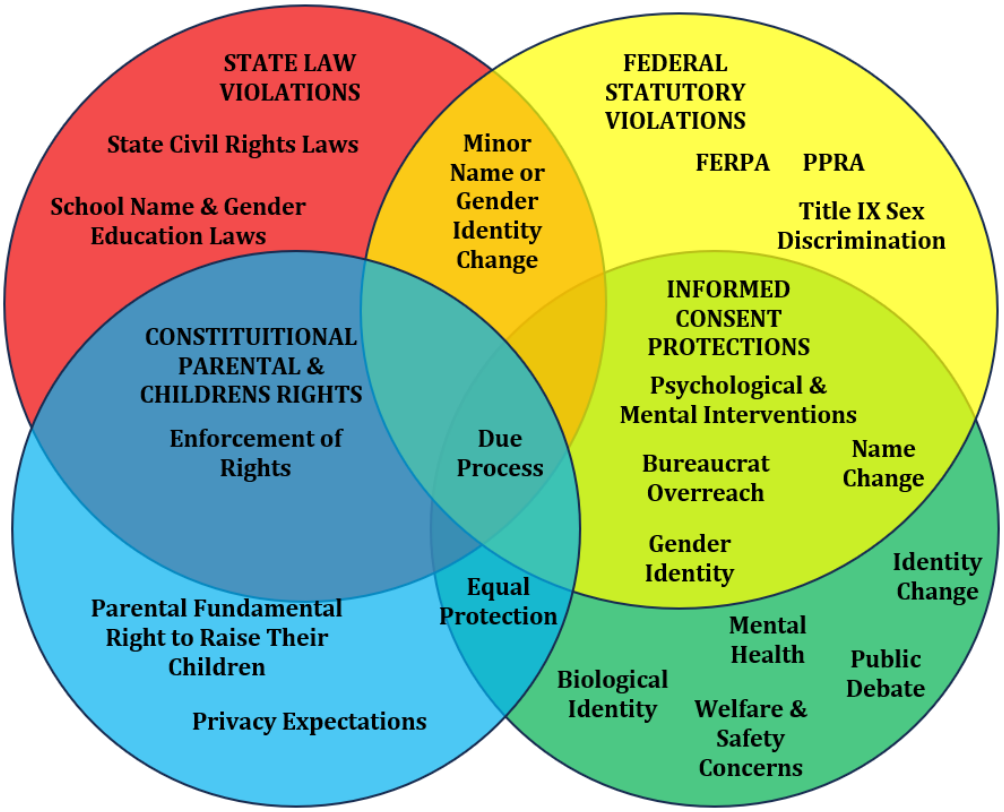

Figure 1: Intersection of Law, Education, and Identity in School Minor Name and Gender Identity Change Policies. This diagram situates the debate over minor children's name and/or gender identity changes with state laws, federal statutory laws, the constitutional rights of parents and children.

CONCLUSIONS

School policies that allow or require the concealment of a child's gender transition from parents are unconstitutional, statutorily preempted, and ethically indefensible. They violate:

1. The Due Process Clause of the Fourteenth Amendment;
2. State Civil Rights and Education Laws;
3. Federal statutes including FERPA, PPRA, and Title IX;
4. Informed consent and mental health licensing requirements.

Schools have neither the legal authority nor the ethical justification to facilitate gender identity changes in children without parental knowledge or consent.

Such policies disregard the fundamental rights of parents, place vulnerable children at risk by exposing them to unregulated and non-consensual psychological or medical interventions, and vest ideologically driven gender decisions in the hands of unqualified state actors.

The Constitution entrusts parents - not bureaucrats - with the responsibility and presumption to act in the best interests of their children.

REFERENCES

[1]. Troxel v. Granville, 530 U.S. 57, 66 (2000).

[2]. Pierce v. Society of Sisters, 268 U.S. 510 (1925).

[3]. Meyer v. Nebraska, 262 U.S. 390 (1923).

[4]. Parham v. J.R., 442 U.S. 584, 602 (1979).

[5]. N.Y. Civ. Rights Law §§ 60–67; § 6-A.

[6]. In Matter of Cody VV., 2024 NY Slip Op 00961.

[7]. New York State Education Department guidance. Creating a safe, supportive, and affirming school environment for transgender and gender expansive students (2023).

[8]. Family Educational Rights and Privacy Act (FERPA); 20 U.S.C. § 1232g (1974).

[9]. Protection of Pupil Rights Amendment (PPRA) 20 U.S.C. § 1232h and 34 C.F.R. Part 98 (1978).

[10]. U.S. Department of Education - Directs Schools to Comply with Parental Rights Laws. Student Privacy Policy Office Guidance (Mar. 28, 2025).

[11]. Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2018).

[12]. Tennessee v. Cardona, 737 F. Supp. 3d 510 (E.D. Ky. 2024),

[13]. Texas v. Cardona, 2024 WL 3658767, at *31 (N.D. Tex. Aug. 5, 2024).

[14]. Mathews v. Eldridge, 424 U.S. 319 (1976),

[15]. New York Mental Hygiene Law § 33.21.

[16]. Remien K, Kanchan T. Parental Consent. In: StatPearls Publishing [internet]; Treasure Island (FL)(2022).

[17]. Vrouenraets LJJJ, de Vries ALC, Arnoldussen M, Hannema SE, Lindauer RJL, de Vries MC, Hein IM. Medical decision-making competence regarding puberty suppression: perceptions of transgender adolescents, their parents and clinicians. Eur Child Adolesc Psychiatry. 32(11):2343-2361 (2023)

[18]. Mahanoy Area Sch. Dist. v. B.L., 141 S. Ct. 2038 (2021).

[19]. Morrow v. Wood, 35 Wis. 59 (1874).