

## California Federal District Court Enjoins Enforcement of “Parental Exclusion Policies”

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**IMPORTANT NOTE:** On January 5, 2026, the Ninth Circuit issued an [order granting](#) the State’s motion for an emergency stay of the judgment and permanent injunction in *Mirabelli v. Olson* while it is pending on appeal before the appellate court. As a consequence, the permanent injunction issued on a class-wide basis in *Mirabelli* and discussed below is presently **not in effect**.

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On December 22, 2025, in *Mirabelli v. Olson*, the United States District Court, Southern District of California, issued a permanent injunction which, in part, prohibits the State from implementing or enforcing what have sometimes been referred to as “parental exclusion policies.” The injunction specifically targets school policies that interfere with school staff’s ability to inform parents that their child is transitioning genders or affirming their gender when different than the child’s birth sex. Several local educational agencies (LEAs) across the State employ some variation of these policies based upon California law and guidance from the California Department of Education (CDE). However, this permanent injunction has been temporarily stayed by the Ninth Circuit Federal Court of Appeals pending briefing by the parties before the close of 2025.

### Background

In 2014, Assembly Bill (AB) 1266 amended the Education Code to establish the right of public school students to participate in programs and access facilities based upon their gender identity, regardless of their gender assigned at birth. In the wake of AB 1266, the CDE issued a Legal Advisory and a set of Frequently Asked Questions (FAQs) to provide LEAs with guidance regarding transgender student rights. The FAQs have since been removed by the CDE from public access and replaced by other guidance, but when published, the CDE advised that “[d]isclosing that a student is transgender without the student’s permission may violate California’s antidiscrimination law by increasing the student’s vulnerability to harassment and may violate the student’s right to privacy.” School districts around the State implemented or updated their own non-discrimination/harassment policies to align with the CDE’s guidance, including the Escondido Union School District (EUSD).

## Legal Challenge

*Mirabelli v. Olson* was initially filed in 2023 by two EUSD teachers against several parties, including the California State Attorney General, State Superintendent, and State Board of Education (State Defendants). These teachers alleged that EUSD's Administrative Regulation (AR) 5145.3, Nondiscrimination/Harassment, impermissibly limited their ability to inform a parent that their child was transitioning genders or affirming their gender. Under the contested AR 5145.3, a teacher was not permitted to "reveal[] a student's transgender status or gender diverse status to individuals who do not have a legitimate need for the information without the student's consent, and this includes parents or caretakers." As *Mirabelli* has developed since first initiated, the plaintiffs now include both teachers and parents from across the entire State in a certified class, all arguing that "parental exclusion policies" violate their respective rights.

In the motion for summary judgment at issue here—which resulted in the issuance of a permanent injunction—the plaintiffs sought injunctive and declaratory relief against the State Defendants specifically. The motion asserted that "parental exclusion policies" violate the federal constitutional rights of both teachers and parents. The plaintiffs argued these policies violate teachers' right to engage in free speech and free exercise of religion under the First Amendment, by limiting teachers' ability to inform parents about their child's transitioning or gender affirming activities. The plaintiffs also argued that these policies impede parents' ability to receive information regarding their children's transition and thus infringe upon parents' right to make decisions about their children and direct their children's religious upbringing.

The court's December 22, 2025 summary judgment order sides with the plaintiffs, granting their motion for summary judgment and issuing a permanent injunction against the State Defendants. The injunction includes three main directives for the State Defendants. First, the injunction prohibits the State Defendants from enforcing or implementing laws, policies, or guidance that:

- permit or require school employees to mislead parents or guardians about their child's gender presentation at school;
- permit or require school employees to use a name or pronoun that differs from the student's given name or pronouns when their parent or guardian has objected to such use;
- require school employees to use a name or pronoun that does not match the student's given name or pronouns while concealing the student's transition from their parents over the employee's conscientious or religious objection; and
- interfere with a school employee communicating to parents that their child has indicated a gender transition, such as by use of a preferred name or pronouns.

Second, the injunction requires the State's "*Providing Relevant, Inclusive Support that Matters for LGBTQ+ Students*" (PRISM) training materials to include a statement explicitly acknowledging that parents and guardians have a federal constitutional right to be informed if their public school child is transitioning, and that teachers have a federal constitutional right to accurately inform a student's

parent or guardian about such activity by their children. Finally, the State Defendants must notify all personnel responsible for implementing or enforcing “parental exclusion policies” of the court’s order.

## Takeaways

LEAs employing a “parental exclusion policy” may have to adjust their corresponding procedures to align with the order in *Mirabelli*. However, on December 23, 2025, the State Defendants filed an appeal with the Ninth Circuit Federal Court of Appeals. The Ninth Circuit has temporarily stayed the permanent injunction pending briefing by the parties. Briefing by the parties on the motion is due before the close of 2025. We will continue to monitor the status of the injunction on appeal and update this Client News Brief as necessary.

If you have any questions about the injunction or its impact, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#) and [LinkedIn](#), or download our [mobile app](#).

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