



Idaho

Anti-Trans Pronoun Law: House Bill 538 Fact Sheet

Overview

In 2024, Idaho passed a new law that allows government officials and employees, including public school teachers and staff, to intentionally misgender transgender individuals and refuse to address them by their preferred name and pronouns. It also shields public employees that object to using correct pronouns and names, which could lead to lawsuits against schools and public officials.

Idaho's anti-trans pronouns bill takes effect on July 1, 2024.

How will Idaho's Pronoun Law be Enforced?

Government employees (city, state, universities): The new law allows government employees to misgender and misname individuals. Government employees cannot be disciplined for persistently and intentionally refusing to use the preferred pronouns and/or names of their colleagues or the general public.

Public schools K-12, universities: The new law prohibits public schools from knowingly and intentionally addressing students by their preferred name and/or pronouns, but only when the student's name is inconsistent with sex assigned at birth. It applies to K-12 schools and public colleges and universities.

Parental permission: Schools must obtain written permission from a student's parent or guardian before addressing the student using a name or pronoun that is different from their legal name or pronoun that is inconsistent with their sex. However, school officials may continue to misgender and deadname students, even when the student has express parental permission.

Navigating Idaho's Anti-Trans Pronoun Law

Students

- Idaho's new pronoun law could threaten your privacy and safety at school. Review your school policies to familiarize yourself, and speak to a trusted adult if you have questions about the policy.
- If it's safe, talk to your parents or guardian about how you plan to navigate the new law. You and your parent/guardian should also talk to school officials about the new law. Ask questions if you are unclear about how the law will work at your school.
- Work in your school districts to adopt policies that prioritize the safety and well-being of all students, including transgender students.

Employers



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Employers may face challenges when state laws contradict federal regulations, particularly on matters like pronoun usage. We have seen state legislatures purposely create laws that clash with federal guidance, such as those from the Equal Employment Opportunity Commission (EEOC). However, employers should still adhere to the law that offers the highest level of protection to employees.

- Employers should consult with employment lawyers and adapt their policies to the jurisdictions in which their employees work. For companies with locations in different states, that may mean distinct policies.
- If a state law offers fewer protections than federal law, the federal law takes precedence and should be obeyed. However, if state or local laws provide more extensive protections, especially for workers at smaller companies or concerning age-related issues not covered by federal law, then the state law should be followed.

Resources

ACLU guidance on pronoun laws: <https://www.aclu.org/news/juvenile-justice/student-rights-school-six-things-you-need-know>

<https://www.shrm.org/topics-tools/news/inclusion-equity-diversity/states-are-banning-preferred-pronouns-at-work-but-federal-guidelines-promote-inclusion>

ACLU's [Safe Schools resource page](#)

[GLSEN state snapshots](#) (detailed information about experiences of LGBTQ youth in schools)

[Trevor Project](#)

[GSA Network](#)

[U.S. National Survey on LGBTQ Youth Mental Health segmented by all 50 states](#)

<https://dpcpsi.nih.gov/sgmro/gender-pronouns-resource#:~:text=The%20EEOC%20guidance%20states%2c%20%E2%80%9Cintentionally%2c%20violation%20of%20Title%20VII.>