

School Social Workers' Guide to Senate Bill 12



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The Parents' Rights Bill

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Introduction

Senate Bill 12, known as the Parents' Rights Bill, was enacted in the 2025 Texas legislative session. It is controversial and impactful, and it has had a chilling effect on all K-12 public school employees, including school social worker and their ability to serve students.

This bill expands the requirements on parental consent with regards to school mental health services and individual student identity. It provides parental access to any and all information associated with students, effectively removing confidentiality from school social worker interactions with students. It bans school organizations founded on sexual preference or gender identity, and prohibits any instruction or programming on those topics. It also bars school employees from acknowledging or assisting students who, in the language of the bill, are "socially transitioning", by prohibiting the use of a student's preferred name or pronouns.

For school social workers, understanding the potential for conflict between the profession's core ethical principles and state laws is a critical aspect of practice. This guide provides an overview of the potential conflicts that social workers encountering SB 12 may face.

It is important to recognize that NASW-TX is not advocating that social workers break the law in any way. Rather, we are offering responses to the questions and concerns that have surfaced around SB 12, and hope this guidance creates both practice and policy discussions within education settings given the challenging ethical implications it carries.

As always, school social workers should:

- Be thoroughly familiar with the NASW Code of Ethics and the specific laws and regulations in their state of practice.
- Seek supervision and consultation with supervisors, experienced colleagues and legal experts when faced with an ethical dilemma.
- Document all decisions and the rationale behind them, including the ethical principles and legal statutes considered.

Questions About Professional Ethics and Licensing

How do I balance my NASW Code of Ethics (confidentiality, self-determination, harm reduction) with the requirements of SB12?

SB 12 has been enacted into law and is one legal basis for how school social workers can interact with their student clients, among other federal and state laws. Our code of ethics drives our conduct in the context of the law. The code of ethics should inspire us to find ways to maximize and optimize priorities like confidentiality, self-determination and harm reduction within the bounds of SB 12 and other state and federal statutes.

SB 12 should also be interpreted against the backdrop of other state laws, like the Texas Educator Code of Ethics, and federal and state non-discrimination laws.

*Note, that at the time of this being published, there is ongoing litigation challenging several provisions of SB 12 as unconstitutionally vague, overbroad, and viewpoint-discriminatory, among other claims. Although SB 12 is currently in effect as the legal challenge proceeds, there is a preliminary injunction hearing scheduled for December 1, 2025, and the courts may help clarify much of the vague and conflicting language of SB 12 as the case continues.

Could following SB12 place me in conflict with my professional licensing standards?

Following the law will never create a licensing violation, but it may create an ethical challenge. The Texas State Board of Social Work Examiners investigates when a complaint is filed. They do not proactively discipline licensees for complying with state law.

With that said, school social workers are advised to thoroughly document their client interactions and fully explain and justify any actions that could be construed as a violation of professional licensing standards. It is important that licensed school social workers follow the Texas State Board of Social Work Examiners Code of Conduct to avoid jeopardizing their license.

What documentation should I keep if I believe I acted in the student's best interest but may be challenged under SB12?

Documentation should demonstrate three significant actions: the social worker followed district policy closely and as directed, the social worker recorded the ethical dilemma in confidential supervision notes, and the social worker sought consultation

from a supervisor, in addition to possibly consulting with the NASW-TX Ethics Committee or legal counsel.

Am I protected from disciplinary action if I follow my ethical obligations even when they seem to contradict SB12?

Disciplinary action from the school district will most likely not consider a school social worker's code of ethics as a defense when violation of state law and district policy are at the root of the action. Social workers' licenses are regulated by the law and licensing board rules, and their professional conduct in the education setting is covered by school district policy.

If my school district sets a policy in reaction to an ambiguous section of SB 12 that minimizes the impact of that section, and I conform to that policy, could I potentially face legal or other punitive consequences?

School districts across Texas are making their own interpretations of sections of SB 12 that are vague or ambiguous. While the Texas Education Agency (TEA) is also creating more guidance, there is substantial room for ambiguity and confusion.

SB 12 does provide for parents to challenge what they regard as violations of subsections of the law. Still, social workers who operate in good faith under district guidelines should be aware of possible legal jeopardy. Social workers should demand explicit written district guidance explaining what is and is not permissible. They should also seek written assurance that they will be legally defended by the district should this occur. Finally, social workers should thoroughly document all actions and record how they were taken under district-approved procedures.

Questions About Confidentiality and Casework

If a student discloses suicidal ideation or self-harm related to gender identity/sexual orientation, am I required to disclose this to parents?

SB 12 requires that parents provide consent before a school social worker can proceed with a discussion with a student where this information might be shared. Furthermore, it requires social workers to encourage students to discuss these issues with their parents, and offer to facilitate such a discussion if necessary and with parental engagement.

The law leaves in place a critical exception that disclosure of information to a parent is not required "if a reasonably prudent person would believe the disclosure is likely

to result in the student suffering abuse or neglect." The law also creates an exception for when there is an apparent risk to the child requiring immediate life-saving action.

Some districts may interpret these exceptions to mean that SB 12 does not require forced outing since so many LGBTQIA+ students are rejected from their families and suffer other types of abuse and neglect. Nonetheless, given the law's strong bias in favor of parents' rights of disclosure, social workers are advised to thoroughly document any decisions they make to withhold information of this gravity from parents, and to notify school and/or district administration.

How should I respond if parents demand access to my counseling notes or case files?

SB 12 guarantees parents' access to all of a student's education and health records. Counseling notes do not receive additional protections under HIPAA or FERPA based on the guidelines in SB 12, and a school social worker should assume that any and all documentation can and will be reviewed by a parent. However, information can be withheld under SB 12 *"if a reasonably prudent person would believe the disclosure is likely to result in the student suffering abuse or neglect."*

Can I maintain separate case notes (process notes vs. official records) under SB12, and are both subject to disclosure?

The law doesn't speak to separate case notes, but it is explicit about a parent's right of access to all of their student's education and health records, with the exception noted above.

What is considered "confidential communication" versus "educational record" under this law?

The new law makes no such distinction. Rather, it asserts that parents have a right to all information regarding their student, except when to disclose that information would put the student at risk of abuse or neglect as defined in statute.

What assurances of confidentiality can I offer students?

SB 12 effectively eliminates your ability to proactively guarantee full confidentiality to students. Even if your interactions with a student fail to trigger the law's stipulations about mandatory disclosure to parents, this and other Texas laws grant parents broad rights to information about their children in school.

What content arising during my interaction with a student must be disclosed to parents?

You must disclose anything that your district policy mandates, apart from the exception for suspected abuse or neglect. This could include identity disclosures if your district so directs you. Beyond that, some districts could interpret the law to include mandatory disclosure of any discussions that could be said to pertain to the student's health and well-being.

*Note that this and other laws permit parental access to any records of student sessions and that public or state employees are subject to Texas Open Public Information Act. Make sure you request and receive a written copy of your school district's policies and procedures.

Questions About Supporting Students

Can I display safe space designations (e.g., stickers, rainbow flags, pronoun-friendly signage) on my office door or personal belongings?

There is nothing in the law that explicitly addresses "safe space" signage, but it does restrict school employees from engaging in activities that could be interpreted as promoting or endorsing gender identity or sexual orientation outside of approved curriculum. Your district may interpret SB 12 to disallow the display of LGBTQ+ affirming signage or symbols, and schools already had broad discretion over classroom walls and decorations even before SB 12 took effect.

It is important to check with your school administration to ensure your office space is in compliance with district policies.

How can I create a safe, supportive environment for LGBTQ+ students within the boundaries of SB12?

The law is ambiguous about safety signaling. Messages like "All are Welcome" are almost certainly acceptable and align with the restrictive and vague text of SB 12. Additional explicit messaging may require district approval.

Safety also resides in confidentiality, which the law does address, and accordingly, school social workers need to notify students in advance that parents have a right to know everything that is discussed in meetings.

Note that the law explicitly prohibits school social workers from providing "assistance" to students' social transitions. Because this section is so vague and under active litigation, you should consult your district policies for how this section

should be applied. Some school districts have allowed employees to continue to use chosen names and pronouns for transgender students, especially with parental permission. Other districts have interpreted even the common courtesy of referring to someone's chosen name as "assisting" that student's social transition. There is widespread confusion across Texas about how this section should be applied, and you should do your best to comply with district policies while also treating every student with dignity and respect in accordance with non-discrimination laws and ethical guidelines.

While some school employees try to avoid names or pronouns for transgender students entirely, this can create a hostile environment for the student and lead to harassment, bullying, and discrimination that violates other federal and state laws, just as courts have also found that deadnaming or misgendering a transgender student can be unlawful. ACLU-Texas' Transgender Law Center sent [this clarifying letter](#) to every Texas school district on this issue.

Can I still provide crisis intervention or counseling in the event of an urgent mental health crises or emergency?

SB 12 does permit medical, psychiatric, and psychological treatment of a child "necessary to further a compelling state interest, such as providing life-saving care," although it directs caregivers to narrowly tailor that care using the least restrictive means to achieve the compelling state interest.

Can I still provide crisis intervention or counseling on issues of identity without notifying parents?

SB 12 stipulates that social workers must have parents' signed consent to provide any counseling. Furthermore, it states that school social workers must "notify the parent of a student enrolled in the district regarding any [...] monitoring of the student related to the student's mental, emotional, or physical health or well-being."

Some districts are likely to interpret this as a mandate to notify parents of crisis intervention or counseling on issues of identity, and counselors may only withhold information from parents when a reasonably prudent person might expect there to be a risk of abuse or neglect.

I work with a student whose social transitioning is supported by their parents. Does SB 12 require that I deadname this student in opposition to their and their parents' wishes?

The social transition section of SB 12 is vague and subject to active litigation. While some school districts have interpreted the law to prohibit supporting transgender

students even with explicit parental permission, other school districts have made exceptions to follow parents' requests to respect transgender students' names, pronouns, and other accommodations. Some students might also have disability accommodations that are subject to federal legal protections that districts are bound to follow. We recommend that this question be asked directly to a supervisor and legal department of a district.

How should I approach group sessions where identity-related topics naturally arise?

Upon enactment of SB 12, students remain free to discuss identity-related topics. School social workers cannot contribute what could be construed as instruction or programming during these group sessions, nor can they assist any students in social transitioning. These provisions are subject to ongoing litigation and your district may issue specific guidance on what role, if any, school employees can play in group discussions.

What does SB 12 mean by "programming"?

This term is extremely vague and is part of the lawsuit brought by the ACLU.

What are best practices for safety planning with students whose families may not be affirming?

SB 12 preserves confidentiality in cases where disclosure might lead to parental abuse or harm targeting the student. However, with the law's overall emphasis on parental rights social workers are advised to be particularly meticulous in their documentation of a student's possible jeopardy. School social workers must also make clear to students the uncertainty around their ability to preserve the student's confidential information and disclosures. Note that social workers are expressly prohibited from any planning related to social transitioning.

Questions About Referrals and Community Resources

Can I inform students about resources/activities/groups that are outside of their school that could provide therapy, legal support, or emotional/social support?

You are advised to limit your referrals to resources that the district has approved or that provide general support. Continue to prioritize the student's safety and well-being but understand the limits of the law. Developing an approved referral list that can be shared with all students and is supervisor approved may be beneficial to your work.

Can I recommend or share books, websites, or videos with students that address issues of identity, mental health, or social support?

SB 12 prohibits school employees from providing instruction or guidance “regarding gender identity or sexual orientation” and referencing race or ethnicity, but it is unclear what this means, and these provisions of the law are currently being challenged in court. Offering or recommending to students resources that are outside of school, while not normally problematic, could be interpreted as an official endorsement or enablement of DEI or LGBTQ+ instruction or content.

Can I connect students to mental health providers or crisis hotlines?

SB 12 does not prohibit the distribution of general mental health resources to students. The law does guarantee parents the right to be informed of these referrals. Districts will undoubtedly establish policies in this area.

Can I connect LGBTQ+ students with affirming mental health providers or crisis hotlines?

SB 12 prohibits assisting or supporting students in social transitioning, which may influence which groups a social worker refers particular students to. It also bars school employees from providing instruction or programming on topics of sexual orientation or gender identity, and some districts may interpret that as a prohibition of referrals to particular outside providers or resources. Finally, the law guarantees parents the right to be informed of those referrals.

If a parent requests that I not provide LGBTQ+ resource referrals, must I comply?

Consult with your district counsel, especially if you suspect possible abuse or neglect. Absent that exception, SB 12 guarantees parents access to all of a student’s educational and health records and requires parental consent for any treatment or referrals. Ignoring parents’ express directions in this area opens the social worker up to district discipline and potential civil penalties.

Questions About Family Engagement Provisions Within SB 12

*What content arising during my interaction with a student must be disclosed to parents?
How does SB 12 change what a school social worker is required to disclose to a parent when providing services?*

SB 12 guarantees parents access to and disclosure of information regarding students' health and well-being. Districts are assigned responsibility for defining "health and well-being". You should ask for and receive clear, written guidance as to how your school district definitively defines the "health and well-being" of a student.

How do I navigate situations where one parent supports the child's identity and the other does not?

SB 12 does not address this scenario and it is a difficult area where you should consult with district counsel. Social workers can attempt to provide parental mediation. They may also opt to refer the family to legal and health-related counseling services outside the school.

If a parent is hostile toward their child's LGBTQ+ identity, what options do I have to protect the student?

Importantly, HB 1106, a bill enacted during the 89th Legislature, amends the definition of child abuse to *exclude* a parent's refusal to affirm a child's perception of their gender identify or sexual orientation. Refusing to use a child's preferred name or pronouns, even if the child's name has been legally changed, cannot by itself be considered emotional abuse or neglect.

With that said, other types of abuse or neglect are still unlawful, including abandonment of a child and physical and emotional abuse. SB 12 and HB 1106 do not change any of the reporting requirements for physical and emotional abuse. Beyond that, social workers can help students process and discuss how they navigate their family dynamics. Since SB 12 guarantees parents access to all education and health-related records, records of these conversations will be available to parents.

If a parent demands information that their student expressly does not want shared whose direction takes priority under SB12?

This presumably depends on what the parent is demanding. If parents refuse to consent to social-worker-provided services in the school, this refusal trumps their students' expressed wishes. If the parent is not supportive of their student's wish to transition, SB 12 bars social workers from getting involved.

How should I facilitate family sessions when a student's identity is the source of conflict?

SB 12 prohibits school employees, including school social workers, from supporting or assisting in a student's social transitioning. Because this section is so vague, it is not clear what is prohibited, but counselors should exercise caution when facilitating family sessions.

Questions About Collaboration with Staff and Administration

How can I advocate for trauma-informed implementation of SB12 at my campus?

Because SB 12 is so ambiguous and is under active litigation, it may be difficult to obtain clear and easily understood guidance. Ask your district for guidance and ask that they stay current on all active litigation. Advocate for measures that are legal but still affirming e.g., "All are welcome" messaging. Press for district-level confidentiality policies that preserve student dignity and minimize harm while remaining within the law. You may also choose to develop a list of specific questions for your supervisor and legal personnel in your district to help shape your work and interactions with students.