



April 23, 2021

RE: H4047 - SC Minor Child Compassion and Protection Act

Dear Ms. Dean,

As school counselors serving the youth of South Carolina, we have an obligation to advocate for the well-being of our students. We are writing to urge you to oppose any legislation that targets transgender peoples for discrimination.

H. 4047 would prohibit counselors and school administration from withholding information about students questioning their gender identity. This would require educators to essentially “out” their students, breaking their trust and confidence. Disclosing gender identity is a deeply personal decision that takes great courage and conviction. This bill would turn school officials into gender informants.

Counselors are often the first school personnel that students turn to for information; we have a special role in providing support to LGBTQ+ questioning youth. Students need a trusted adult just to talk with, but if we start the practice of sharing personal information, the relationships we have built will crumble.

The foundation of any counseling relationship is confidentiality. This bill would trump the ethical standards set by the American School Counselor Association (ASCA)¹. ASCA recognizes that students have "the right to privacy and confidentiality," which "must not be abridged by the counselor except where there is clear and present danger to the student and/or other persons." Upholding these standards of confidentiality will put our students at risk; “outing” them will.

We often work with students with a goal for them to discuss difficult situations with their parents, but sharing confidential information without their permission violates our duty to protect children. In some cases, informing the parent may place the child's well-being and life in jeopardy. Research shows that the transgender population already has an increased risk for anxiety, depression, suicidal ideation and homelessness. Disclosing this information will increase the chance of students being kicked out of the home, shamed and/or abused.

As school leaders, we work to protect our students’ inalienable rights. All students, regardless of gender identity, deserve informational privacy. We understand and acknowledge that families and guardians need to be informed of potential harm, but do not believe that being transgender is in and of itself dangerous. It is the student’s right to disclose this information with whom they see fit, not ours. Schools have always been a refuge and a safe space for students to confide in their mentors, their counselors and teachers. We ask that you vote no on bill H. 4047 and help continue this tradition.

Sincerely,
Palmetto State School Counselor Association

¹ American School Counselor Association. (2016). *ASCA Ethical Standards for School Counselors*. <https://www.schoolcounselor.org/getmedia/f041cbd0-7004-47a5-ba01-3a5d657c6743/Ethical-Standards.pdf>.