



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT  
BILL ANALYSIS  
2025 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

Check all that apply:

Original  Amendment   
Correction  Substitute

Date Prepared: 02/21 /25

Bill No: HB501

**Agency Name and Code:** PED - 924

**Sponsor:** Dow/Martinez/Henry

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**Short Title:** SCHOOL REPORTING OF GENDER INCONGRUENCE

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**SECTION II: FISCAL IMPACT**

(Parenthesis ( ) Indicate Expenditure Decreases)

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	None	N/A	NFA

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: House Bill 501 (HB501) would enact a new section of the [School Personnel Act](#) to require school employees to report to a school administrator if a student expresses to them that they are experiencing “gender incongruence.” Specifically, the bill would require school personnel to report to a school administrator when requested by a student “to participate in social affirmation of the student's gender incongruence” or participate in a student's transition. The school administrator would be required to notify a student’s parent and develop and implement a gender incongruence response plan with the direction and permission of the parent. The plan may provide for services and supports, including counseling for the student.

The bill does not provide an effective date. Laws go into effect 90 days after the adjournment of the Legislature enacting them, unless a later date is specified. If enacted, this bill would become effective June 20, 2025.

### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation.

### **SIGNIFICANT ISSUES**

HB501 defines the term “gender incongruence” as “a difference between a person's biological sex and the person's perceived or desired sex or gender.” In contrast, the [Safe Schools for All Students Act](#) currently defines “gender identity” as “a student's self-perception, or perception of that student by another, of the student's identity as a male or female based upon the student's appearance, behavior or physical characteristics that are in accord with or opposed to the student's physical anatomy, chromosomal sex or sex at birth.” This definition provides a more nuanced conceptualization of gender, similar to that of the international medical community.

For example, the term "gender incongruence" is defined by the World Health Organization's (WHO) International Classification of Diseases, 11th Revision ([ICD-11](#)), as a persistent incongruence between an individual's experienced gender and assigned sex, often leading to a desire to transition through medical interventions. The use of the term “biological sex” as in HB501, conversely, is typically associated with a simplified, binary determination as male or female, more fairly called “assigned sex” as in the WHO definition.

The 2020 American Psychological Association (APA) and National Association of School Psychologists (NASP) [Resolution Supporting Sexual/Gender Diverse Children and Adolescents in Schools](#) established a strong research foundation for affirming that “diverse gender expressions and presentations, regardless of gender identity, and diverse gender identities, beyond a binary classification, are normal and positive variations of the human experience.”

APA and NASP recommend that “policies that respect the right to privacy for students, parents, and colleagues with regard to sexual orientation, sexual development, gender expression, gender identity, and transgender status, clearly state that school personnel will not share information with anyone about the sexual orientation, gender expression, gender identity, intersex/DSD condition, or transgender status of a student, parent, or school employee without that individual’s informed consent.”

APA and NASP also advocate for “education, training, and professional development about the needs of sexual and gender diverse students for educators and trainers of school personnel, education and mental health trainees, school-based mental health professionals, administrators, and school staff; and [about] how to support sexual and gender diverse students to all students, parents, and community members.” HB501 would not provide for professional learning on this topic.

## PERFORMANCE IMPLICATIONS

Involuntarily outing gender-nonconforming youth endangers students. The [American Civil Liberties Union](#) notes, “For trans youth, especially those who cannot be safe at home, school may be one of the few places to be themselves. Trans youth thrive when they are affirmed in their gender identity, which includes being called by a name and pronouns that reflect who they are [...] Forced outing bills are not about parents’ rights: they are designed to harm trans students. Parents have a fundamental right to raise their children, including making important choices like whether to homeschool or enroll in public school. But none of those fundamental parental rights are protected by forced outing bills.” Further, “Youth who are transgender face a real risk of rejection by the adults who are supposed to care for them when they disclose their gender identity. Trans people are much more likely to be abused by their immediate family based on their gender identity, and high risks of abuse and family rejection mean trans youth are overrepresented in foster care homes, juvenile detention centers, and homeless shelters. These high rates of familial rejection and abuse dramatically increase the risks of suicidality, substance abuse, and depression.”

This home-school dichotomy is highlighted by the [Trevor Project](#), which indicates 51 percent of trans youth considered school a safe place, compared with only 32 percent who felt that way about their homes. The [Journal of Adolescent Health](#) notes, “students who couldn’t use their preferred name and pronouns were 29 percent more likely to consider suicide and 56 percent more likely to exhibit suicidal behavior.”

Closer to home, the New Mexico Youth Risk and Resiliency Survey indicates that transgender, nonbinary, genderqueer, and unsure youth are substantially more likely to be subjected to certain risks than their cisgender peers.

Risk Factor/Gender Identity	Cisgender	Transgender Genderfluid Genderqueer	Unsure of Gender Identity
<b>Unstable Housing</b>	3.9 percent	35.4 percent	40.1 percent
<b>Suicide Attempts in Prior 12 Months</b>	8.0 percent	31.3 percent	30.3 percent
<b>Forced to Have Sexual Intercourse</b>	7.1 percent	21.4 percent	23.9 percent
<b>Bullied on School Property in Prior 12 Months</b>	17.1 percent	32.4 percent	33.9 percent

Notably, the bill suggests “response plans” to address a student’s “gender incongruity” which may include “counselling,” without further detail. This could mean New Mexico youth and children would be provided “reparative” or “conversion therapy,” a dangerous practice that targets LGBT youth and seeks forced change to their sexual or gender identity. This counseling

can exacerbate tendencies to depression, anxiety, substance abuse, homelessness, and suicide. The [American Psychological Association](#) notes:

- The American Psychiatric Association removed homosexuality from its diagnostic manual in 1973, and so-called “gender-identity disorder” in 2013.
- Efforts to change a person’s sexual orientation or gender identity can lead to mental health problems including depression, low self-esteem, and suicide.
- The U.S. Substance Abuse and Mental Health Services Administration have concluded that such efforts are “coercive, harmful, and should not be part of behavioral treatment.”
- Many who offer such services are not licensed healthcare professionals and it is unclear what, if any, training or education they have received.

[Guidance](#) from APA and NASP further cautions schools that children experiencing gender incongruity may fear stigma and discrimination that result from speaking openly. Substantial evidence suggests that gender incongruity, without appropriate supports at school, is substantially associated with negative impacts on students’ physical and mental well-being, including higher rates of:

- anxiety and depression;
- low self-esteem;
- self-injurious behaviors;
- suicidality;
- substance use;
- homelessness; and
- eating disorders.

Gender incongruence response plans, as provided for in HB501, are not among the recommendations offered by APA and NASP.

The bill’s provision for notifying parents and following the direction of the parents, however, would be in direct opposition to the counseling profession’s explicit recommendations to help children experiencing gender incongruence by maintaining student privacy and confidentiality.

## **ADMINISTRATIVE IMPLICATIONS**

None.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 599 would prohibit a court from awarding custody of a minor based on consideration of a parent's gender affirmation of the parent's child's gender identity when the child's gender identity is incongruent with the child's assigned gender.

House Bill 185 would create the Protection of Women’s Sports Act, requiring athletic events and teams be designated for males, females, or both, excluding gender diverse students.

Senate Bill 459 would require that participation in single-sex school sports be restricted to those of the same biological sex assigned at birth.

House Bill 466 would except unemancipated minors from protection under the current Reproductive and Gender-Affirming Health Care Freedom Act.

Senate Bill 500 would create the Detransitioner Protection Act, which would limit gender transition opportunities for minors and protect parents from legal consequences related to any “detransitioning” activities.

### **TECHNICAL ISSUES**

None.

### **OTHER SUBSTANTIVE ISSUES**

The bill requires a school administrator to request parental permission to develop a “support plan to address the student’s gender incongruence” with little detail included as to what those plans should entail, beyond, “services and supports, including counseling.”

[Model legislation](#) from 2023 disseminated by the organization [Do No Harm](#) similarly provides for notification of parents, counter to the recommendations from the professional organizations founded on principles and practices of psychological science.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

None.

### **AMENDMENTS**

None.