

No. 15-2056

*In the*  
**United States Court of Appeals**  
*for the*  
**Fourth Circuit**

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**G.G.**, by his next friend and mother, **DEIDRE GRIMM**,

*Plaintiff - Appellant*

— v. —

**GLOUCESTER COUNTY SCHOOL BOARD,**

*Defendant - Appellee*

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*ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA, NEWPORT NEWS DIVISION*

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**UNOPPOSED MOTION FOR LEAVE TO FILE  
AMICI CURIAE BRIEF OF SCHOOL ADMINISTRATORS FROM  
CALIFORNIA, DISTRICT OF COLUMBIA, FLORIDA, ILLINOIS,  
KENTUCKY, MASSACHUSETTS, MINNESOTA, NEW YORK, OREGON,  
WASHINGTON, AND WISCONSIN  
IN SUPPORT OF PLAINTIFF-APPELLANT**

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*COUNSEL FOR AMICI CURIAE*

Pursuant to Federal Rule of Appellate Procedure 29(a), the thirteen (13) individual school administrators from schools and school districts across the country, as listed in the Statement of Interest below, respectfully move the Court for leave to file the accompanying proposed *Amici Curiae* Brief of School Administrators From California, District of Columbia, Florida, Illinois, Kentucky, Massachusetts, Minnesota, New York, Oregon, Washington, and Wisconsin in Support of Plaintiff-Appellant. Proposed *amici curiae* submit this brief to offer their considered perspective as educators and administrators with years of collective experience with school policies that respect all students' gender identity, including those who are transgender.

Counsel for Plaintiff-Appellant consents to the relief sought in this motion; counsel for Defendant-Appellee have indicated that they do not intend to oppose this motion.

### **STATEMENT OF INTEREST**

Proposed *amici curiae* are superintendents, principals, school board members, general counsel, social workers, and other officials from schools and school districts that have adopted, or are in the process of adopting, formal inclusive policies for their transgender students. They represent a broad cross-section of schools and districts across the country, and are collectively responsible for the education, safety, and wellbeing of more than 1.2 million students annually.

Proposed *amici curiae* offer valuable perspectives on a number of the issues in this case, based on their broad collective experience with adopting, implementing, and enforcing such policies.

Proposed *amicus Judy Chiasson*, Ph.D., is the Program Coordinator for the Office of Human Relations, Diversity and Equity in the Los Angeles Unified School District (“LAUSD”), Los Angeles, California. LAUSD is the second-largest school district in the country, with more than 732,000 students in more than 1,200 schools, spanning 745 square miles. Dr. Chiasson helped author LAUSD’s guidance documents on transgender students, and has overseen the implementation of LAUSD’s policy since it was adopted a decade ago. Dr. Chiasson has given legislative testimony based on LAUSD’s approximately ten years of experience with its policies, and has consulted with other school administrators across the country on transgender and other diversity issues.

Proposed *amicus David Vannasdall* has worked in the education field for twenty-two years, and been Superintendent for Arcadia Unified School District (“Arcadia”) in Arcadia, California since July 2014, having previously served as Arcadia’s Deputy Superintendent for two years and principal of Arcadia High School for eight years. He developed Arcadia’s policy for supporting transgender students. Mr. Vannasdall has consulted with school officials nationally on the issues, and has presented on Arcadia’s policy to other superintendents. Arcadia

has approximately 10,000 students, and has two years of experience with inclusive policies for transgender students.

Proposed *amicus Diana K. Bruce* is the Director of Health and Wellness for the District of Columbia Public Schools (“DCPS”), a district that educates approximately 46,500 students across 111 schools. DCPS has provided transgender students access to facilities in accordance with their gender identity since 2006, and Ms. Bruce led the effort surrounding the school district’s adoption of a policy providing in-depth guidance in June 2015. Ms. Bruce consults with administrators across the country about DC’s nearly decade-long experience with inclusive policies for transgender students.

Proposed *amicus Denise Palazzo* is an Instructional Facilitator and Diversity and LGBTQ<sup>1</sup> Coordinator for Broward County Public Schools (“BCPS”), where she previously taught for 14 years. BCPS is the sixth-largest public school system in the United States and the second-largest in the state of Florida, with more than 265,000 students. Ms. Palazzo has spearheaded BCPS’s effort to adopt a formal policy allowing transgender students access to programs and facilities in accordance with gender identity, which is being finalized now. The new policy enhances the recommendations and guidance that BCPS adopted in 2012. Ms.

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<sup>1</sup> The acronym “LGBTQ” stands for lesbian, gay, bisexual, transgender, and questioning.

Palazzo also advises officials throughout the country about inclusive policies for transgender students.

Proposed *amicus Jeremy Majeski* is the Principal of Komensky Elementary School (“Komensky”), in Berwyn, Illinois. He has been an educator for 13 years and Komensky’s principal for four years. Mr. Majeski directed the development and implementation of an inclusive policy at Komensky after a transgender student requested support, and is now helping to direct implementation of the policy throughout Berwyn South School District 100 (“Berwyn”). Berwyn includes six elementary and two middle schools, and educates approximately 4,000 students. Berwyn was recently honored by the Illinois Safe Schools Alliance as the Ally of the Year for 2015.

Proposed *amicus Thomas A. Aberli, Ed.D.*, is the Principal of J.M. Atherton High School (“Atherton”), which educates approximately 1,300 students in Louisville, Kentucky. Atherton has had a formal policy of respecting students’ gender identity since June 2014. Dr. Aberli oversaw the adoption of this anti-discrimination policy through a thoughtful process that engaged the public, a 12-member decision-making council, and the superintendent. Dr. Aberli also recently testified about Atherton’s policy before the Kentucky Senate Education Committee.

Proposed *amicus Robert Bourgeois* is the Superintendent-Director of Greater Lowell Technical Regional School District, a single-school district that educates approximately 2,200 students in Massachusetts. Mr. Bourgeois has eight years of experience as a superintendent with schools that allow students to access facilities and programs in accordance with their gender identity. Mr. Bourgeois serves by appointment of the governor on the Massachusetts Commission on LGBTQ Youth, for which he currently serves on the Safe Schools Committee. He also participates in school trainings through the Massachusetts Department of Education's Safe Schools Program, and has testified at state legislative hearings involving transgender youth issues.

Proposed *amicus Mary Doran* is the chair of the Saint Paul Public Schools Board of Education. She has served on the Board of Education for four years, including the last two years as chair. She led the effort to craft, pass, and implement the Saint Paul Public Schools' ("SPPS") Gender Inclusion Policy, which passed with unanimous support from Board of Education members in March 2015 and was implemented at the start of the 2015-16 academic year. Proposed *amicus Valeria Silva* has been the Superintendent of SPPS since 2010, after more than two decades as a teacher, principal, and administrator. SPPS is one of Minnesota's largest school districts, with more than 39,000 students, over 58

schools, and more than 5,300 full-time staff members, including over 3,100 teachers.

Proposed *amicus Rudy Rudolph* is a longtime administrator for the Portland Public Schools (“PPS”), in Portland, Oregon, the largest school district in the state with 85 schools and approximately 49,000 students within the district. Ms. Rudolph is currently a Project Manager for the Equity Department for PPS. She has spearheaded a group of administrators and allies in the district to facilitate the full inclusion of LGBTQ students, and continues to work closely with schools throughout PPS in supporting the inclusion and success of all students, including transgender students. Ms. Rudolph is also involved in the ongoing development, implementation, and improvement of support for transgender students, staff, and families.

Proposed *amicus John O'Reilly* is the Principal of the Academy of Arts and Letters, Public School/Middle School 492 (“A&L”) in Brooklyn, New York. A&L educates students from kindergarten through the eighth grade, and adopted an inclusive policy for transgender students four years ago. After Mr. O'Reilly implemented A&L’s policy, the New York City (“NYC”) Department of Education issued similar guidelines requiring equal opportunity and access for transgender students. A&L is part of the NYC Department of Education, which is

the largest school district in the nation, serving 1.1 million students in over 1,800 schools.

Proposed *amicus Lisa Love* is the Manager of Health Education for Seattle Public Schools (“SPS”), a school district which educates approximately 53,000 students in 97 schools. Ms. Love’s position with SPS includes providing technical assistance to families and staff seeking support for LGBT students, training staff on LGBT issues, and developing district policies and procedures. Ms. Love has been in the field of education for almost 20 years, and directed the efforts that led to SPS’s adoption in 2012 of a formal superintendent procedure that respects students’ gender identity.

Proposed *amicus Dylan Pauly* is General Counsel for Madison Metropolitan School District (“MMSD”) in Madison, Wisconsin, the second largest school district in the state with more than 27,000 students. Ms. Pauly drafted MMSD’s policy for transgender students, and has presented the policy to the Wisconsin Association of School Boards and the National School Boards Association. Ms. Pauly also supervises the district’s Title IX investigator. Proposed *amicus Sherie Hohs* is a Social Worker with MMSD with twelve years of experience in the district. Her work focuses on supporting the needs of LGBTQ students, providing professional development trainings to staff, and working with parents and community partners. Ms. Pauly and Ms. Hohs both consult with administrators

across the state and from other parts of the country about inclusive policies for transgender students.

### **REASONS FOR GRANTING PROPOSED *AMICI CURIAE* PARTICIPATION**

Rule 29 of the Federal Rules of Appellate Procedure provides that a party seeking leave to file an *amicus curiae* brief must state its “interest,” and “the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.” Fed. R. App. P. 29(b). Leave to file *amicus curiae* briefs may be freely granted. *See Neonatology Assocs., P.A. v. Comm'r*, 293 F.3d 128, 133 (3d Cir. 2002) (Alito, J.) (“[O]ur court would be well advised to grant motions for leave to file amicus briefs unless it is obvious that the proposed briefs do not meet Rule 29’s criteria as broadly interpreted. I believe that this is consistent with the predominant practice in the courts of appeals.”); *see also Stuart v. Huff*, 706 F.3d 345, 355 (4th Cir. 2013) (“amici often make useful contributions to litigation”).

As described in the statements of interest above, proposed *amici curiae* represent a diverse array of school officials from across the United States, with years of collective experience in developing, implementing, and enforcing policies that ensure access to school facilities consistent with all students’ gender identity, including transgender students. They are collectively responsible for the education, safety, and wellbeing of **more than 1.2 million students** each year.

Proposed *amici curiae* are particularly well-situated to respond to some of the hypothetical concerns raised by Defendant-Appellee Gloucester County School Board in response to Plaintiff-Appellant's claims, because they have addressed the same hypothetical concerns in their own schools and districts.

Specifically, as educators and administrators who have been at the forefront of responding to issues similar to those raised in the instant case, proposed *amici curiae* are well-situated to provide the Court with experience-based information about some of the hypothetical fears and concerns that are commonly raised when schools integrate transgender students into gender-specific restrooms and locker rooms, including the fear that some individuals might use an inclusive policy to gain access to the facilities of another gender for an improper purpose. Proposed *amici curiae* have found such fears and concerns to be wholly unfounded in practice.

Recognizing the value of educators' real-world experiences, this Court has previously granted similar parties leave to file *amici curiae* briefs. *See, e.g., Belk v. Charlotte-Mecklenburg Bd. of Educ.*, 269 F.3d 305 (4th Cir. 2001) (*amici curiae* participation by the National School Boards Association and North Carolina School Boards Association); *Penn Advert. of Balt., Inc. v. Mayor & City Council of Balt.*, 101 F.3d 332 (4th Cir. 1996) (*amici curiae* participation by the Maryland Congress of Parents and Teachers). This Court should do the same here.

## CONCLUSION

For all of the reasons above, proposed *amici curiae* respectfully seek permission to file the accompanying proposed *Amici Curiae* Brief of School Administrators From California, District of Columbia, Florida, Illinois, Kentucky, Massachusetts, Minnesota, New York, Oregon, Washington, and Wisconsin in Support of Plaintiff-Appellant.

Dated: October 28, 2015

Respectfully submitted,  
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**CERTIFICATE OF COMPLIANCE**

1. This brief complies with the page limitation of Fed. R. App. P. 27(d)(2) because it is fewer than 20 pages.
2. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in Times New Roman style, with 14-point font.

DATED: October 28, 2015

/s/ Cynthia Cook Robertson

Cynthia Cook Robertson

*Counsel for Amici Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that, on October 28, 2015, I filed the foregoing Unopposed Motion for Leave to File *Amici Curiae* Brief of School Administrators from California, District of Columbia, Florida, Illinois, Kentucky, Massachusetts, Minnesota, New York, Oregon, Washington, and Wisconsin in Support of Plaintiff-Appellant with the Clerk of the Court using the CM/ECF system, which will automatically serve electronic copies upon all counsel of record.

/s/ Cynthia Cook Robertson

Cynthia Cook Robertson

*Counsel for Amici Curiae*