

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JULIET EVANCHO; ELISSA	:	
RIDENOUR; and A.S., a minor, by and	:	Civil Action No. 2:16-cv-01537
through his parent and next friend,	:	
	:	Judge Mark R. Hornak
Plaintiffs,	:	
vs.	:	<i>Electronically Filed</i>
	:	
PINE-RICHLAND SCHOOL DISTRICT;	:	
DR. BRIAN R. MILLER, in his official	:	JURY TRIAL DEMANDED
capacity as Superintendent of the Pine-	:	
Richland School District; and NANCY	:	
BOWMAN, in her official capacity as	:	
Principal of Pine-Richland High School,	:	
	:	
Defendants.	:	

DEFENDANTS' SUPPLEMENTAL RECORD SUBMISSION

Defendants Pine-Richland School District, Dr. Brian R. Miller and Nancy Bowman, by and through their attorneys, the law firm of Maiello, Brungo & Maiello, LLP, file this Supplemental Record Submission.

1. On December 1, 2016, the Court held a Hearing on Plaintiffs' Motion for Preliminary Injunction [ECF No. 22] and Defendants' Motion to Dismiss [ECF No. 34].

2. At the conclusion of the Hearing, the Court indicated that the Parties may submit additional filings on the record, not to exceed twenty (20) pages each, by December 8, 2016, as well as subsequent responses, not to exceed five (5) pages each, by December 12, 2016.

3. Thus, Defendants hereby submit the Supplemental Declaration of Nancy Bowman, the high school principal for Defendant Pine-Richland School District, which is attached hereto, made a part hereof and marked as "EXHIBIT A".

4. Furthermore, counsel for Plaintiffs and Defendants have conferred regarding the supplementary declarations of Juliet Evancho, Elissa Ridenour, and Nancy Bowman which are to be filed with the Court this date. Accordingly, the Parties respectfully inform the Court that they

do not intend to present any other materials to the Court as it considers Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss.

RESPECTFULLY SUBMITTED,

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(Attorneys for Defendants)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 8th day of December, 2016, I have filed the foregoing Defendants' Supplemental Record Submission with the Clerk of Courts via the District Court Electronic Case Filing System which will send notification of such filings to the following counsel of record:

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3. Anytime an incident occurs which may be in violation of the District's Discipline Code, the incident and report are investigated by the District to the greatest extent possible. As building principal, I implement the District Discipline Code with great fidelity, and strive to be fair and consistent with all students. The Discipline Code is a framework. Each situation is unique, requiring thoughtful consideration with respect to the incident and individuals involved.

4. Since the date of approval of Resolution Number 2, there have been two known incidents, one by Juliet Evancho and one by Elissa Ridenour, of transgender female students using a multi-user female restroom. In each situation, I met with the student in the guidance counselor's office with their counselor present. I reminded the student of Resolution Number 2 and read the Resolution to be clear about the District's expectations. In each situation, I offered to support the student by making arrangements for late arrival or early dismissal from classes in order to provide time for use of the restroom. I also called the student's home during or following each meeting with the student.

a. When it was reported to me by an assistant principal that Juliet Evancho had been seen exiting the female multi-user restroom, I had her counselor call her to his office. We spoke about the incident, she admitted to stepping into the restroom for a moment, and I reminded her of Resolution Number 2. I asked Juliet if there was a need to have her excused a few minutes early from class or permit her to be a few minutes late to class due to her not wanting to be seen entering or exiting the unisex restrooms. She shared that this was not necessary. Following our discussion, I called Mr. Evancho and shared the incident and discussion with him. Juliet was upset and wanted to go home. Mr. Evancho shared he would have liked me to call him before I addressed the situation with Juliet. I shared that when addressing a disciplinary incident, I typically speak with the student first but added that if there were any incidents in the future, I would contact him before speaking about it with Juliet.

b. I received a report that Elissa Ridenour had used the female multi-user restroom on November 17, 2016. On the day I received the report, November 18, 2016, Elissa was not in school. Once she returned to school on November 21, 2016, I had her counselor call Elissa to her office. Prior to my explaining what had been reported to me, I asked Elissa if she knew why I needed to talk with her. Elissa admitted to using the female restroom on November 17, 2016. Elissa stated that "there hasn't been much in the media lately so I thought I would just do it." Elissa said she knew the student that saw her and that she would report the incident. Elissa also stated this same student used her "dead name" and shared seeing Elissa in the restroom with others in her class. The student making the report and Elissa are not in class together, and Elissa did not hear the student personally. Elissa felt this same student is the one that reported her because "her dad is anti-trans." I asked Elissa if there was a need to have her excused a few minutes early from class or permit her to be a few minutes late to a class. Elissa shared that this was not necessary and that there were unisex restrooms close enough to her classes. I called Mr. Ridenour and he was aware of the incident, stating Elissa had told him about it and he reminded her that she should not be using the female restrooms.

5. In the November 29, 2016 Supplementary Declaration of Juliet Evancho, she refers to an incident on November 17, 2016 where a student referred to her and Elissa Ridenour by their names given at birth. Juliet never reported this incident to me or to her counselor.

6. I have received allegations of harassment from Juliet Evancho. Each time a report was received, I would ask her for as much detail about the incident as she could provide such as location, time of day, recognizable students involved or not involved that were in the area, and details about what was said or done. I also immediately asked our Safety and Security Coordinator to review any video that may be available given the location of the incident and time reported. All incidents are investigated by the District to the greatest extent possible given the information provided.

7. On November 23, 2016, I met with Juliet Evancho regarding an incident that occurred at the end of the day on November 22, 2016. Juliet stated that while she was walking through the hallway to leave school for the day, she heard and saw small yellow candies on the floor. She added that she was hit hard in the back of the head by the candy. Juliet reported to me that she turned around but did not recognize any of the students and did not notice anyone acting "differently" like they had thrown the candy. She did not see any teachers in the hallway and continued to walk. She stopped in my office but I was not there, so she left the school and reported it to me the following morning. A full and complete investigation of the report was done.

8. On December 2, 2016, Juliet Evancho came to see me. She was not feeling well and had parent permission to drive herself home. While walking down the hallway to exit the school and go to her car, she walked past a group of students. She reported she heard a 'vomit noise' and a student said 'tranny.' Juliet stated she did not recognize any of the individuals. I walked with Juliet so she could show me the exact location of the students and where she was when she heard the comment. As she showed me the location, I let her know I would check the cameras but the camera would not record sound, so I may not be able to identify the specific student making the comment. A full and complete investigation of the report was done.

9. In his November 18, 2016 Reply Declaration, Mr. Evancho refers to derogatory comments made by a student and reported by Juliet's sister. The initial report was shared with me. Juliet's sister stated she "just wanted me to be aware" of the history between her and the student who made the comments. She did not want me to speak to the teachers (they are in two classes together) but following my conversation with Mr. Evancho, he agreed with my request to notify the teachers. Each of these reports were investigated and addressed by the District.

10. In his Reply Declaration, Mr. Evancho also references Juliet being subjected to cyberbullying through the After School App. This was not reported to me or Juliet's counselor. We are both aware of the App, but not with regard to any references ever made to Juliet on the App.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

12.8.16
Date

Nancy Bowman
Signature