

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anmarie Calgaro,

Case No. 16-CV-3919 (PAM/LIB)

Plaintiff,

vs.

St. Louis County, et al.,

**DECLARATION OF
SCOTT HALL
IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Defendants.

I, Scott Hall, declare and state as follows:

1. I was the Principal at the Cherry School in Independent School District No. 2142, St. Louis County Schools (the "District"), for the 2014-15 and 2015-16 school years. I am currently the Middle and High School Principal in Independent School District No. 500, Southland School District, in southeastern Minnesota. I am licensed as a K-12 Principal in the State of Minnesota. Because of my former role as Principal at the Cherry School, I am familiar with the District and Cherry School's record-keeping practices. I make this Declaration based upon personal knowledge and in opposition to Plaintiff's Motion for Summary Judgment.

2. I understand that Anmarie Calgaro ("Plaintiff") has filed a lawsuit against the District and the Cherry School's current principal in his official capacity. I have reviewed a copy of Plaintiff's Declaration dated December 15, 2016.

3. On or about November 13, 2015, E.J.K.¹ met with Counselor John Zupetz and me. E.J.K. stated she was living with a friend and wanted to enroll in the District. Because E.J.K. was not living with her parents, a referral was made to the District's homeless liaison. The District is required to follow the federal McKinney-Vento Homeless Assistance Act, which requires the District to enroll students it suspects might be homeless, even if they do not have typical documentation. Attached as Exhibit 1 is a true and correct copy of the District's "Documentation for Students in Transition/Homeless" documenting that E.J.K. was referred for homeless services on November 13, 2015.

4. I instructed District staff to enroll E.J.K. because her representations to me about her living arrangements convinced me she was eligible to enroll.

5. Prior to the time I was Principal, E.J.K. had attended elementary and middle school in the District. It is my understanding that E.J.K. lived with other relatives for a period of time and attended other school districts prior to November 13, 2015.

6. When I met with E.J.K. about enrolling, she presented as male, but told me she was transitioning to presenting as female. She stated that she intended to transition gradually, and she would begin presenting as female at school after the District's winter break. She also told me she did not want Plaintiff to have access to her educational records. Because this was an unusual request, I contacted Superintendent Steve Sallee to

¹ I knew Plaintiff's child as J.D.K. at the time, but I understand she now wishes to be called E.J.K. and uses female pronouns.

determine how to proceed. Superintendent Sallee agreed that it was an unusual request and sought advice from the District's legal counsel.

7. At the time of her enrollment, E.J.K. also presented me with a copy of a letter dated June 29, 2015, from a legal aid organization stating E.J.K. was emancipated. I knew the letter was not a court order and did not treat it as such.

8. The Cherry School is a K-12 school and Plaintiff's other children attended the School. I was familiar with Plaintiff because she was a regular volunteer in the building and I knew her other children who attended the School.

9. I was Principal of the Cherry School for the entire 2015-2016 school year. There was not a Principal named "Matthew Hall" at the Cherry School in November of 2015.

10. Plaintiff met with me to discuss E.J.K.'s enrollment. in or about November 2015, shortly after E.J.K. enrolled. At this time, Plaintiff was upset because her younger children had informed her E.J.K. was wearing makeup at school. Plaintiff wanted the School to prohibit E.J.K. from wearing makeup. I told Plaintiff that the School could not prohibit E.J.K. from wearing makeup because there is no policy prohibiting students from wearing makeup, regardless of the student's gender or gender identity.

11. At that same meeting, Plaintiff asked me how E.J.K. was able to enroll in the District. I stated it was because she was emancipated. Plaintiff seemed surprised by this statement and asked me for a copy of the legal aid letter. At the time, I was confused because the legal aid letter had referred to E.J.K. as "emancipated," which is a term that

we do not use regularly in the education field. I understand that it was E.J.K.'s status as an unaccompanied homeless youth that entitled her to enroll in the District on her own.

12. My meeting with Plaintiff took place shortly after E.J.K. had enrolled and asked me not to share information with Plaintiff. At the time I met with Plaintiff, I had not yet had an opportunity to speak with the District's legal counsel regarding E.J.K.'s request that the District deny Plaintiff access to her educational records. I told Plaintiff that I could not provide her a copy of the letter at the time, but I would look into whether I could do so. Plaintiff seemed to understand that I was not denying her request, but I needed more information before I could respond.

13. Based on E.J.K.'s request and her statements to me regarding her living situation, as well as my discussions with the District's attorney, I concluded it was in E.J.K.'s best interest for the District to deny Plaintiff access to the legal aid letter.

14. To my knowledge, the District and the Cherry School do not have a policy relating to "emancipated" minors. During my two school years as Principal at the Cherry School, E.J.K. was the only student who claimed to be "emancipated."

15. I met with Plaintiff approximately three or four times between November 2015 and the end of the school year in June 2016. I cannot recall specifically when each visit occurred or what was discussed at each individual visit, but I recall Plaintiff and I discussed the following:

- Plaintiff vented to me about how difficult it was to be in her position because she wanted E.J.K. in her life as her son, but she did not want E.J.K.

to live in her home. I expressed empathy for the difficulty of their relationship and suggested Plaintiff contact St. Louis County for assistance.

- Plaintiff told me that she did not like E.J.K.'s "lifestyle," and she was going to "fight for him."
- Plaintiff told me she had contacted a lawyer for legal advice about overturning E.J.K.'s emancipation. She told me she did not hire the attorney because it would cost \$10,000 and the attorney could not guarantee she would succeed.

16. After my initial meeting with Plaintiff about E.J.K, she did not renew her request for a copy of the legal aid letter. Aside from asking for a copy of the letter in our first meeting about E.J.K., I do not remember Plaintiff asking me for any District records related to E.J.K. I do not recall having any other in-person or telephone conversations in which Plaintiff requested access to E.J.K.'s records, and I did not receive any e-mail or other written correspondence from Plaintiff regarding E.J.K.'s records.

17. Plaintiff never made a request to me that she be allowed to participate in educational decisions related to E.J.K. I cannot think of any significant educational decisions that E.J.K. made after she was enrolled in the District. I do not recall having any other in-person or telephone conversations and I did not receive any e-mail or other written correspondence from Plaintiff in which Plaintiff requested to participate in educational decisions related to E.J.K.

18. Plaintiff never asked me for grade or attendance information related to E.J.K.

19. The District has an “infinite campus” online system parents can use to access information regarding their children. Plaintiff did not make a request to access information regarding E.J.K. on the infinite campus system.

20. I do not recall telling Plaintiff “no, no, no. I cannot give you any information about your child E’s education. [She] is able to decide for [her]self.” This statement does not sound like something I would say.

21. The District did not change E.J.K.’s name or gender in its official enrollment records because the District did not receive a court order designating a change to these entries. However, consistent with the District’s general practice and guidance from the Department of Education, the District instructed staff members who interacted with E.J.K. to address her by her preferred name and use female pronouns. There was likely a notation in E.J.K.’s student file reflecting these preferences, but the District maintained E.J.K.’s official records in her legal name.

22. E.J.K. was not reported as truant during the 2015-16 school year, thus there would not have been a reason for the District to contact Plaintiff about E.J.K.’s truancy.

I declare under penalty of perjury that everything I have stated in this document is true and correct. This declaration was executed on January 4, 2017, in the County of Mower, State of Minnesota.

/s/ Scott Hall _____
Scott Hall

Documentation for Students in Transition / Homeless

Initial Referral Contact: 11-13-15 mary spang
 Free Meal Eligibility Effective date: _____

Student Name(s)	School	Grade
<u>J [redacted] K [redacted]</u> <u>DC 16-17</u>	<u>Cherry</u>	<u>11th</u>

12-2-16 per John Zupetz still homeless
 Comments:

see attached

Also principal said student is not w/ parents as unapproved
of life style. Is trying to legally sever relationship with
family

Primary Nighttime Residence:

Shelters, transitional housing, awaiting foster care: _____
 Doubled-up (e.g. living with another family): _____ ✓
 Unsheltered (e.g. Parks, cars, campgrounds, temporary trailer): _____
 Hotels/Motels: _____

Departments Contacted:

<u>[Signature]</u> Homeless Liaison- Title Director	<u>11-13-15</u> Date
<u>[Signature]</u> MARSS Coordinator	<u>11-16-15</u> Date
<u>[Signature]</u> Food Service Administrator	<u>11-13-15</u> Date
<u>[Signature]</u> Transportation Director	<u>11-16-15</u> Date
School Nurse	Date _____
<u>[Signature]</u> Indian Education	<u>11-23-18</u> Date
School Counselor	Date _____