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AURORA REGINO

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AURORA REGINO,

Plaintiff,

vs.

SUPERINTENDENT KELLY STALEY, in her official capacity; CAITLIN DALBY, in her official capacity; REBECCA KONKIN, in her official capacity; TOM LANDO, in his official capacity; EILEEN ROBINSON, in her official capacity; and MATT TENNIS, in his official capacity,

Defendants.

Case No.: 2:23-cv-00032-JAM-DMC

FIRST AMENDED COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, Aurora Regino, by and through her undersigned counsel, hereby states the following claims for relief against Defendants, each in their official capacity only, and respectfully requests that this Court render a declaratory judgment and issue a permanent injunction against Defendants' ongoing violations of the United States Constitution as set forth herein.[1] In support thereof, Ms. Regino alleges as follows:

INTRODUCTION

1. The United States Constitution protects parents' fundamental right to direct and control the upbringing of their children. This right includes the right of parents to direct and control the decision-making process regarding whether a public school will "socially transition" their minor children from one gender to another.

2. "Social transitioning" refers to the active affirmation of a person's transgender identity. In the school setting, it primarily refers to calling the student by a new name associated with their transgender identity and referring to the student by pronouns associated with their transgender identity. Social transitioning is a powerful psychological intervention affecting a matter of major importance to a minor's life that implicates the integrity of the family. Under the United States Constitution, public schools may not socially transition minors without first informing and receiving consent from their parents.

3. The Chico Unified School District (the "District" or "Defendants") has adopted an administrative regulation (the "Parental Secrecy Policy" or the "Policy") under which schools in the District will (1) socially transition any student who claims to have a transgender identity and asks to be socially transitioned in the school environment and (2) keep the social transitioning secret from the student's parents unless the student specifically authorizes the school to inform them. Schools in the District are prompting students to question their sexuality and gender and, under the Parental Secrecy Policy, employing the coercive machinery of the state to socially transition students who assert a transgender identity, all without informing the students' parents

[1] Ms. Regino files this First Amended Complaint as a matter of right pursuant to Federal Rule of Civil Procedure 15(a)(1)(B).

or obtaining parental consent. Even if the parents would be supportive of their children—as Ms. Regino was here—the Parental Secrecy Policy precludes parents from being a part of this monumental decision in their children's lives based on nothing more than the child's say so.

4. Ms. Regino's oldest daughter, A.S., was a fifth-grade student at an elementary school operated by the District during the 2021–2022 school year. In early 2022, when A.S. was eleven years old, she informed a school counselor that she "felt like a boy." Within minutes of A.S. making that statement, the counselor asked A.S. if she had a boy name she would like to be called and whether she would like to be referred to with male pronouns. A.S. said that she did. After the meeting, the counselor walked A.S. to class and informed A.S.'s teacher about A.S.'s new identity, name, and pronouns. Thereafter, the District, through deliberate governmental action and threat of sanction for non-compliance, required everyone in the school environment—administrators, teachers, and other students—to refer to A.S. by her new name and pronouns. Despite the role the District played in socially transitioning A.S., the District kept its actions secret from A.S.'s mother, Ms. Regino.

5. Social transitioning is a significant form of psychological treatment. Indeed, the very purpose of social transitioning is to alleviate the psychological distress that can be caused by a mismatch between one's body and gender identity by affirming the transgender identity. The District, however, lacked both the competence and parental consent necessary to administer this treatment to A.S. As a minor child, A.S. was not capable of giving her own consent.

6. The decision of whether to socially transition a child at school is a monumental decision in the life of the child. It has long-term consequences that will drastically impact the child's life course, and it implicates the integrity of the family unit, altering intimate interpersonal relationships between parents and their "sons" or "daughters."

7. Despite these facts, the District, acting pursuant to the Parental Secrecy Policy, cut Ms. Regino out of the decision-making process, arrogating to itself and A.S. the authority to make these decisions on their own. By doing so, the District treated A.S. as a mere creature of the state and in a manner that is repugnant to the American tradition.

8. After several weeks of the District treating Ms. Regino's daughter as if she were a

boy, Ms. Regino learned about the District's actions and A.S.'s supposed new gender identity. Ms. Regino was supportive of A.S. but upset that the school had not even informed her that it was socially transitioning her daughter. She tried to encourage the District to abandon the Parental Secrecy Policy in favor of a policy that would involve parents in students' social transitioning, but she was told that the Policy is required by California law. This is false.

9. Despite the District's efforts to socially transition A.S. to a boy, A.S. has, for now, returned to identifying as a girl. She now believes her feelings of gender confusion were brought on by a confluence of factors, including the stress of other external difficulties in her life and the District's promotion of transgender identities. She now attends regular counseling sessions with a private therapist to help her to cope with the stressors in her life.

10. By socially transitioning A.S. without informing Ms. Regino or obtaining her consent, the District violated Ms. Regino's fundamental right to direct and control the upbringing of her child. Parents, not schools, have the right—and responsibility—to make decisions regarding their minor children's medical and psychological treatment, the major decisions in their children's lives, and decisions that implicate the integrity of their family. These rights are infringed when schools socially transition children from one gender to another without informing their parents and obtaining their consent to do so.

11. Ms. Regino brings this action to vindicate that right. Both of her children still attend school in the District, and the District continues to adhere to the Parental Secrecy Policy. Accordingly, Ms. Regino's parental rights are subject to an ongoing threat. She seeks (1) a declaratory judgment declaring the Parental Secrecy Policy unconstitutional and (2) a preliminary and permanent injunction precluding the District from continuing to enforce the Parental Secrecy Policy.

12. Upon receiving notice of this lawsuit, the District initially denied in written correspondence to parents that it even had a Parental Secrecy Policy. *See* "A Message from the CUSD Superintendent," dated January 13, 2023, attached hereto as Exhibit A. At subsequent meetings of the Chico Unified School District Board of Education (the "Board"), however, the District has been forced to admit that the Policy is, in fact, in force. Indeed, at the Board meeting

on April 5, 2023, the Board affirmed its commitment to the Parental Secrecy Policy. Ms. Regino thus respectfully requests that the Court enjoin the Parental Secrecy Policy, once and for all, without delay.

JURISDICTION AND VENUE

13. This action arises under the Fourteenth Amendment to the United States Constitution, 42 U.S.C. § 1983, and 28 U.S.C. §§ 2201 and 2202.

14. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331.

15. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Ms. Regino's claims occurred within this district.

THE PARTIES

16. Plaintiff Aurora Regino is a resident of Chico, California. She is a single mother with sole custody over her two minor daughters, A.S. (age twelve) and C.S. (age nine), both of whom live with her. At all relevant times to this Complaint, both A.S. and C.S attended—and still attend—schools operated by the District.

17. Ms. Regino is a fit parent, is actively involved in her children's lives, loves her children dearly, seeks to do what is best for them at all times, and wishes to provide them with the nurturing and guidance of a loving and caring mother in all aspects of their lives. To that end, Ms. Regino engages with her children's schools and other aspects of their lives outside of the family home to ensure that she is informed about what occurs in their lives when they are not in her immediate supervision. She intends to continue this level of involvement in her children's lives.

18. The District is a public school district based in Chico, California. It operates twenty-three schools—twelve elementary schools, four junior high schools, three high schools, and four other schools, some of which educate children as young as four years old. *See* http://www.chicousd.org/Schools/Our-Schools/index.html, last visited on April 8, 2023, attached hereto as Exhibit B. Over 12,000 students attend school in the District. *See* http://www.chicousd.org/Our-District/index.html, last visited on April 8, 2023, attached hereto as Exhibit C.

19. The District is governed by the Chico Unified School District Board of Education (the "Board"). *See* http://www.chicousd.org/Our-District/Board-Trustee-Information/index.html, last visited on April 8, 2023, attached hereto as Exhibit D. The Board and its five Members are responsible for general oversight and operations of the District. *See id.*

20. Defendant Caitlin Dalby is a Member of the Board. *Id.* In this capacity, Ms. Dalby is responsible for general oversight and operations of the District. *Id.* At all times relevant to this Complaint, Ms. Dalby was and will be acting under color of California law while performing her duties as a Board Member. Ms. Dalby is sued in her official capacity only.

21. Defendant Rebecca Konkin is a Member of the Board. *Id.* In this capacity, Ms. Konkin is responsible for general oversight and operations of the District. *Id.* At all times relevant to this Complaint, Ms. Konkin was and will be acting under color of California law while performing her duties as a Board Member. Ms. Konkin is sued in her official capacity only.

22. Defendant Tom Lando is a Member of the Board. *Id.* In this capacity, Mr. Lando is responsible for general oversight and operations of the District. *Id.* At all times relevant to this Complaint, Mr. Lando was and will be acting under color of California law while performing his duties as a Board Members. Mr. Lando is sued in his official capacity only.

23. Defendant Eileen Robinson is a Member of the Board. *Id.* In this capacity, Ms. Robinson is responsible for general oversight and operations of the District. *Id.* At all times relevant to this Complaint, Ms. Robinson was and will be acting under color of California law while performing her duties as a Board Member. Ms. Robinson is sued in her official capacity only.

24. Defendant Matt Tennis is a Member of the Board. *Id.* In this capacity, Mr. Tennis is responsible for general oversight and operations of the District. *Id.* At all times relevant to this Complaint, Mr. Tennis was and will be acting under color of California law while performing his duties as a Board Member. Mr. Tennis is sued in his official capacity only.

25. Defendant Kelly Staley is the Superintendent of the District. *See* http://www.chicousd.org/Our-District/Superintendent/index.html, last visited on April 8, 2023, attached hereto as Exhibit E. In this capacity, Superintendent Staley is responsible for the

implementation of all District policies, and the development, adoption, and implementation of all administrative regulations, including the Parental Secrecy Policy, and she has ultimate supervisory authority over all District employees, which includes all employees working at the schools within the District. At all times relevant to this Complaint, Superintendent Staley was and will be acting under color of California law while performing her duties as Superintendent. Superintendent Staley is sued in her official capacity only.

FACTUAL ALLEGATIONS

Background on Transgender Identities and Gender Dysphoria

26. The terms "sex" and "gender" are not interchangeable. "Sex" refers to an individual's biological reproductive capabilities, while "gender" refers to the characteristics of women, men, boys, and girls that are socially constructed and mutable.

27. A person's "gender identity" is the person's internal, felt experience of gender.

28. Persons with a "transgender" identity feel that their gender identity does not match their sex.

29. "Gender dysphoria" refers to a condition in which the mismatch between an individual's gender identity and sex produces psychological distress in the individual. Gender dysphoria is a diagnosable psychiatric condition. For the psychological distress to produce gender dysphoria, the distress must be over a certain threshold.

30. A person can have a transgender identity without the threshold of associated psychological distress and thus not have gender dysphoria. Nevertheless, a large proportion of minors who have a transgender identity also have developmental and psychiatric conditions such as autism, depression, anxiety, eating disorders, and ADHD. Many also have gender dysphoria.

31. Having a transgender identity or gender dysphoria is not biologically determined.

32. Minors who claim or express interest in pursuing a transgender identity often do so based on stereotypical notions of femaleness and maleness that reflect constrictive notions of what men and women can be. For example, a male child may feel he has a female gender identity because, in his perception, men like sports and he does not. These minors are unaware of—and simply need to be educated regarding—the vast array of possibilities of how life can be lived as

a man or a woman.

33. Absent affirmative intervention, a large majority of pre-pubescent children who develop a transgender identity will desist—that is, lose their transgender identity—prior to adulthood.

34. Absent affirmative intervention, many post-pubescent children who develop a transgender identity will also desist prior to adulthood, albeit in smaller percentages than pre-pubescent children.

35. There are generally four approaches to treating gender dysphoria in children: the "watchful waiting" model, the "hands off" model, the "psychotherapy" model, and the "affirmation" model. There are significant differences in these approaches.

36. The "watchful waiting" model seeks to allow for the fluid nature of gender identity in children to evolve naturally. Under this model, the mental health professional treats any other psychological co-morbidities without a focus on gender.

37. The "hands off" model is similar to the "watchful waiting" model insofar as it allows the child's gender identity to evolve naturally, but it provides no ongoing treatment.

38. Under the "psychotherapy" model, the mental health professional seeks to identify the causes of the psychological distress and to address those causes through psychotherapy as a means of alleviating the distress.

39. The "affirmation" model is starkly different from the other three. It holds that any expression of a transgender identity in the child should be immediately accepted as decisive and permanent.

40. A primary pillar of the "affirmation" model is that children who assert a transgender identity and who seek to be socially transitioned should be socially transitioned in order to alleviate any psychological distress associated with the mismatch between the child's gender identity and sex. In addition, the "affirmation" model assumes that any psychological co-morbidities will improve with the social transition.

41. The "affirmation" model—and, specifically, the idea that all children who assert a transgender identity and who seek to be socially transitioned should be socially transitioned—is

an impermissible "one-size-fits-all" approach that fails to account for the broader and unique issues the child is facing.

42. Social transitioning is not appropriate for every minor child with a transgender identity who expresses a desire to be socially transitioned. For example, as discussed, some children have such a desire due to their stereotypical notions of gender roles. In that situation, education—not social transitioning—is appropriate. Social transitioning in this situation can create psychological complications for the child.

43. Social transitioning is not a mere benign intervention; instead, it is a significant form of psychological treatment that substantially *reduces* the number of children who desist from a transgender identity. In other words, socially transitioning children who have a transgender identity makes it significantly more likely that the transgender identity will persist in the child. Living in a transgender identity, which is the result of social transitioning, makes desistence more difficult and significantly less likely.

44. In the vast majority of cases where children receive "affirmative" care in the form of social transitioning, the child goes on to receive further "affirmative" care—*i.e.*, puberty blockers and cross-sex hormones, at least. For this reason, before social transitioning is considered, a mental health professional must take account of the risks of this future additional "affirmative" care. These risks are significant, and include bone weakness, cardiovascular harm, depression, increased risk of suicide, decreased sexual response, infertility, sterility, and premature adult mortality, to name a few.

45. In light of the first principle of medical ethics ("do no harm") and based on the risk of iatrogenic harm associated with the "affirmation" method—including the likelihood of inducing persistence and the potential harm of graduated "affirmative" care—the distinct trend in western Europe is a move away from the "affirmation" model as the first approach to treating gender dysphoria in children.

46. Regardless of the treatment model, parental involvement is necessary for the responsible, adequate, and ethical assessment, diagnosis, and treatment of children with a transgender identity and gender dysphoria and related conditions. This includes social

transitioning. The only exception is when the child is either emancipated or a ward of the state.

47. If a minor child's parents are not involved in the process, the child will be unable even to see an appropriate mental health professional on his or her own. Moreover, parents have detailed information about their children's lives, including their medical and psychological history, behaviors, habits, relationships, *etc.*, that provide insight into the child's condition and ongoing needs. In addition, information about the parent-child relationship itself is invaluable in the process. Without all of this information, the mental health professional will be unable to provide an effective assessment, diagnosis, and treatment of the child.

48. When a school socially transitions a child in secret from his or her parents, the child inhabits different gender identities at home and school, a situation that is inherently psychologically unhealthy for the child and counterproductive to the child's treatment and mental well-being.

49. Schools that socially transition children without their parents' knowledge and consent also violate bedrock principles of medical ethics. Minor children are deemed incapable of making sound judgments regarding their own health care and of understanding the risks associated with it. Even if children could provide informed consent, school personnel lack sufficient knowledge of and training in the complexities and risks in the field to provide sufficient information. And because school personnel lack this knowledge and training, they themselves are unable to adequately determine whether—and what—treatment is necessary. Thus, in order to obtain informed consent for social transitioning, parental involvement is required.

50. School personnel lack the necessary education, training, and expertise to enable children (and their parents) to begin to understand what is taking place in the child's mind as a result of social, familial, and individual developmental processes. Far from benefitting students, schools that socially transition minor children without parental knowledge and consent increase transitioned students' anxiety and sense of alienation. The child and the school are colluding to conceal facts from the child's parents, which adds to the student's sense that his or her parents are the "enemy," thus deepening a wedge between parent and child during a formative period in the child's life. Further, social transitioning risks stabilizing what might otherwise be a temporary

identity state, thus leading to the further risks of harm discussed above. By socially transitioning children in secret, the school is making a significant decision regarding the child's psychological treatment and well-being that the child's parents and mental health professionals should be making together.

The District's Parental Secrecy Policy

51. The District has adopted and implemented the Parental Secrecy Policy—which is set forth in an administrative regulation that was developed, adopted, and implemented by Superintendent Staley and / or her predecessor in office—at all schools within the District. *See* Administrative Regulation #5145.3, attached hereto as Exhibit F. Under the Parental Secrecy Policy, which is a policy, practice, procedure, and / or custom of the District, schools in the District will (1) socially transition any student who claims to have a transgender identity and asks to be socially transitioned in the school environment and (2) keep the social transitioning secret from the student's parents unless the student specifically authorizes parental notification. *Id.* at 5–7.

52. Specifically, under the Parental Secrecy Policy, if a student informs District personnel that he or she has a transgender identity and wants to be referred to by a new name and pronouns associated with that identity in the school environment, all District personnel and students are *required* to refer to the student by that name and pronouns. *Id.* at 5 (providing that it shall be a violation of the Parental Secrecy Policy to "[r]efus[e] to address a student by a name and the pronouns consistent with the student's gender identity"). Unless a student who is being socially transitioned specifically authorizes parental disclosure, District personnel are *prohibited* from making such disclosure, except where (1) disclosure is "otherwise required by law" or (2) the District "has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being." *Id*.

53. Under the Parental Secrecy Policy, the District is authorized to "[t]ak[e] appropriate disciplinary action against students, employees, and anyone determined to have" violated any aspect of the Policy, including but not limited to the requirement that everyone in

the school environment must refer to students by their new names and pronouns. *Id.* at 3–4. Thus, the Parental Secrecy Policy is enforced by the threat of the coercive power of the state. *Id.*

54. The Parental Secrecy Policy is described as a "Nondiscrimination/Harassment" policy, and it does not touch upon the curriculum taught within the District. *Id.* at 1. Instead, it requires the District to perform significant psychological treatment on students, in the form of social transitioning, behind their parents' backs based on nothing more than the students' statement that they want to be socially transitioned and do not want their parents to be involved, for whatever reason—or no reason at all.

The District's Actions toward A.S.

55. Ms. Regino's oldest daughter, A.S., is a twelve-year-old girl. During the 2021–2022 school year, A.S. attended fifth grade at Sierra View Elementary School ("Sierra View"), which is a school within in the District.

56. In the fall of 2021, when she was eleven years old, A.S. began feeling depressed and anxious. She had just begun puberty, and there had been significant changes in her home life over the preceding months. Her grandfather had recently passed away and her mother (Ms. Regino) had just completed treatment for breast cancer and was in the process of obtaining a degree in nursing. A.S.'s father is disabled due to an injury from an automobile accident and, as a result of the changes at home, A.S. began taking on a greater role in caring for her younger sister, C.S., who was seven years old at the time. These events left A.S. feeling mentally exhausted and emotionally confused.

57. Mandi Robertson was a school counselor at Sierra View. At all times relevant to this Complaint, Ms. Robertson was acting under color of California law while performing her duties as a school counselor.

58. Throughout the 2021–2022 school year, Ms. Robertson visited A.S.'s class on a regular basis to remind the class of the services the counselor's office provided. During these visits, Ms. Robertson frequently brought up the topics of sexuality and gender identity. She would encourage students to explore their sexual identities and consider whether they felt like they were not the gender associated with their sex. She explained that that feeling was normal and that

students should embrace the feeling if they had it.

59. A.S. took Ms. Robertson's advice. She began wondering if her new feelings of anxiety and depression were because she was born the wrong sex.

60. Around December 2021, A.S. began feeling like she might be a boy. These feelings were the result of her exploring her gender identity consistent with Ms. Robertson's instructions.

61. In December 2021, before winter break, A.S. met with Ms. Robertson to discuss her feelings of anxiety and depression. At that meeting, A.S. did not mention to Ms. Robertson that she felt like a boy. Ms. Robertson encouraged A.S. to join a small group of other girls around her age that she (Ms. Robertson) would be organizing when school resumed the following month (the "Girls Group"). Ms. Robertson told A.S. that the Girls' Group would be primarily focused on arts and crafts and that the group would be a good opportunity for A.S. to make new friends. Ms. Robertson provided A.S. with a permission slip for participation in the Girls Group for her mother to sign.

62. Ms. Regino agreed that an arts-and-crafts group could facilitate positive social interaction for A.S. with other girls her own age and could help A.S. with her anxiety and depression. Ms. Regino signed the permission slip allowing A.S. to participate in the group once school began in the spring semester of 2022. The permission slip was for attendance at the Girls Group only.

63. On or about January 20, 2022, A.S. attended her first Girls Group meeting. The meetings included A.S. and about four of her female classmates, whose ages ranged from 10 to 12 years old. The first one or two meetings of the Girls Group were geared towards arts and crafts, as A.S. anticipated, but the subject of the meetings quickly changed.

Ms. Robertson and the District Socially Transition A.S.

64. After one or two Girl's Group meetings, A.S. went to Ms. Robertson's office to tell her that she "felt like a boy" or words of similar effect. Ms. Robertson asked A.S. if she had a boy's name that she would like to be called and whether she would like to be referred to by male pronouns. A.S. was unsure whether she wanted others at school to start calling her by a male

name and pronouns, but she felt pressured by Ms. Robertson, so she responded in the affirmative and told Ms. Robertson her boy's name was "J.S." Ms. Robertson asked A.S. if she wanted her mother to be informed about her new identity at school, and A.S. said she did not. At the time, A.S. mistakenly thought that her mother would be "mad" at her for wanting to identify as a boy.

65. During this meeting, Ms. Robertson did not discuss A.S.'s feelings of anxiety and depression, nor did she attempt to understand the reason(s) behind A.S.'s supposed transgender identity. Instead, the discussion focused solely on how to effect A.S.'s social transition to a boy.

66. After the meeting, Ms. Robertson walked A.S. to her class and told her teacher that A.S. was now going by the name "J.S." and male pronouns, and her teacher immediately began referring to her as such. In addition, pursuant to the Parental Secrecy Policy, Ms. Robertson and / or A.S.'s teacher arranged for other school personnel to begin referring to A.S. by "J.S." and male pronouns, which they did.

67. Once A.S. told Ms. Robertson she "felt like a boy," the Girls Group meetings changed substantially. Instead of arts-and-craft projects, Ms. Robertson now led A.S. and her female classmates in a discussion regarding sexuality and gender identity. They discussed how to cope with having feelings that one's sex does not match one's gender—specifically, how embracing those feelings and socially transitioning can alleviate the stress and anxiety of living as the "wrong" gender.

68. Over the course of the spring semester of 2022, A.S. had approximately two additional one-on-one meetings with Ms. Robertson. At these meetings, Ms. Robertson provided A.S. with additional resources regarding her supposed new male identity, such as referring A.S. to a local community group that advocates for LGBTQ+ causes and discussing "top surgery"[2] and "breast binding" with her.[3]

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[2] "Top surgery" refers to a double mastectomy. Females who identify as transgender sometimes have a double mastectomy to appear more masculine.

[3] "Breast binding" refers to the flattening of a female's breasts with constrictive clothing to make the chest appear flat. Females who identify as transgender sometimes bind their breasts to appear more masculine.

69. A.S. told Ms. Robertson that she wanted to tell her mother about her new male identity, but Ms. Robertson was not supportive of this course of action. She brushed off A.S.'s request and encouraged her to speak with other family members before telling her mother.

70. During this time, pursuant to the Parental Secrecy Policy, school personnel and students continued referring to A.S. by her new name and pronouns. Every day at school, A.S. was known as "J.S." and referred to with male pronouns, while at home, she remained A.S. Despite requiring a parental permission slip for A.S. to participate in an arts-and-crafts club, the District socially transitioned A.S. from a girl to a boy without even *informing* her mother, much less obtaining her permission to do so.

71. At no time did Ms. Robertson or anyone at the District inform A.S. (or her mother) that: (1) A.S. should discuss her feelings with a mental health professional; (2) A.S. was free to socially transition back to a girl; (3) A.S. should tell her mother about her social transitioning; or (4) there are risks associated with social transitioning, including the risk of making desistence less likely or the risks associated with graduated affirmative care, nor does the Parental Secrecy Policy require District personnel to make these disclosures to students who are being socially transitioned.

A.S. "Comes Out" to her Grandmother and Quickly Returns to her Female Identity

72. On or about April 8, 2022, A.S. told her grandmother about her new gender identity. A.S.'s grandmother informed Ms. Regino of the news later that day.

73. Ms. Regino was surprised to learn of A.S.'s assertion of a transgender identity, and she was shocked that the District had socially transitioned A.S. without involving her, but she was—and is—supportive of her daughter. All she wanted—and wants—was for her daughter to be happy and healthy.

74. Ms. Regino informed A.S. of her support and told her she would assist her with her social transition if that was what she wanted. In addition, Ms. Regino arranged for A.S. to begin attending counseling sessions with a licensed marriage and family therapist to discuss her feelings of depression and anxiety.

75. Although Ms. Regino was supportive of her daughter, had Ms. Regino been

involved in the process, she would not have allowed Sierra View to socially transition her daughter without first seeking guidance from a mental health professional. Ms. Regino arrived at this view for several reasons, including but not limited to: A.S.'s young age and Ms. Regino's perception of her cognitive incapability of understanding what it might mean to have a transgender identity; the quick onset of A.S.'s feelings of gender confusion; the existence of other stressors in A.S.'s life that were the more likely explanation of her feelings of gender confusion; and the short duration of A.S.'s feelings of gender confusion.

76. Even before A.S. "came out" to her grandmother, she had already begun to question whether she really felt like a boy or wanted to use her male name and male pronouns. But because the Sierra View community now viewed her as a boy, called her by a male name, and referred to her using male pronouns, A.S. felt like she was stuck in the new male identity, which she inhabited for the remainder of her fifth-grade year. Based on this fact, her depression and anxiety worsened to the point where she wanted to transfer to a different school.

77. Over the rest of the spring semester and summer of 2022, A.S.'s feelings about being a boy continued to subside.

Ms. Regino Tries to Persuade the District to Abandon the Policy

78. Immediately upon learning that the District had socially transitioned A.S. and kept it secret from her, Ms. Regino contacted Sierra View to report Ms. Robertson's actions and the actions of the other Sierra View employees who were involved in socially transitioning her daughter.

79. At the time, Ms. Regino, who was not represented by counsel, did not know about the existence of the Parental Secrecy Policy or that it applied throughout the District. Instead, she assumed—wrongly, as she later learned—that Ms. Robertson and the Sierra View employees who were involved in socially transitioning A.S. were not acting pursuant to District policies.

80. Later in April of 2022, after Ms. Regino had spoken with school-level employees, the District's Director of Elementary Education, Ted Sullivan, contacted Ms. Regino and informed her that California law required schools to socially transition students without informing their parents unless the student authorizes them to do so.

81. In addition, Mr. Sullivan emailed Ms. Regino a link to an "FAQ" page on the California Department of Education ("DOE") website regarding Assembly Bill 1266 ("AB 1266"). *See* https://www.cde.ca.gov/re/di/eo/faqs.asp, last visited on April 8, 2023, attached hereto as Exhibit G. AB 1266 was legislation, now codified at Cal. Ed. Code. § 221.5, designed to prohibit discrimination in schools based on gender identity. Mr. Sullivan informed Ms. Regino that, based on this FAQ page, Sierra View employees had acted consistent with California law.

82. The FAQ, however, does not purport to have the force of law, nor does AB 1266 (or any other provision of California law) require schools to adopt the Parental Secrecy Policy. Instead, as relevant here, AB 1266 provides only that California public schools must allow students to "participate in sex-segregated school programs and activities . . . and use facilities consistent with his or her gender identity." *See* Cal. Educ. Code § 221.5(f).

83. Ms. Regino informed Mr. Sullivan that she did not interpret either the FAQ or AB 1266 to authorize schools to socially transition children without parental notification and consent.

84. At that time, Ms. Regino still did not know about the existence of the Parental Secrecy Policy or that it applied throughout the District.

85. As the 2021–2022 school year came to a close, Ms. Regino became concerned that (1) District employees at Marsh Junior High School ("Marsh"), the school A.S. would be attending for the 2022–2023 school year, could attempt to socially transition A.S. without informing her, like they had done at Sierra View, and (2) District employees at Sierra View, the school C.S. was attending and would be attending for the 2022–2023 school year, could also attempt to transition C.S. without informing her, as they had done with her sister.

86. Disappointed by her prior exchanges with District personnel, Ms. Regino reached out to the District's Deputy Superintendent, Jay Marchant, to speak with him about what had happened to A.S. and her concerns that it could happen again.

87. On or about May 5, 2022, Ms. Regino met with Mr. Marchant. He, like Mr. Sullivan, informed Ms. Regino that Sierra View employees had acted as required by California law. Ms. Regino again disagreed with this assertion.

88. On or about August 8, 2022, Ms. Regino again met with Mr. Marchant, this time

to seek to transfer her younger daughter, C.S., out of Sierra View and into a different school within the District, away from Ms. Robertson and the other Sierra View employees who had been involved in socially transitioning A.S. On or about August 22, 2022, the District granted Ms. Regino's request, authorizing C.S. to transfer to Parkview, another school within the District.

89. Despite the fact Ms. Regino's children were no longer at Sierra View—and what she believed to be an isolated situation there—she continued to press District administration for assurances that what had happened to A.S. would not happen again. On or about October 10, 2022, Ms. Regino met with Superintendent Staley to discuss the issue. In that meeting, for the first time, Ms. Regino came to realize that the Parental Secrecy Policy was being applied throughout the District, including at Marsh and Parkview.

90. In that meeting, Superintendent Staley informed Ms. Regino that the Parental Secrecy Policy was required by California law. Again, this is false.

91. On October 31, 2022, Ms. Regino emailed Superintendent Staley to reiterate her concerns with the Parental Secrecy Policy. On or about November 2, 2022, in response to Ms. Regino's follow-up email, Superintendent Staley confirmed that the District would continue to apply the Parental Secrecy Policy, stating that the District "must work within the confines of the law."

92. On or about that same day, Ms. Regino began searching for counsel to assist her in evaluating claims she might have against the District. Ms. Regino engaged the undersigned counsel to bring this lawsuit on or about November 28, 2022.

Ms. Regino's Current and Future Harm

93. The District applies the Parental Secrecy Policy at all of its schools, including but not limited to Marsh and Parkview. Thus, A.S. and C.S. are currently subject to the Parental Secrecy Policy.

94. While A.S. now identifies as girl, she is still in counseling for her depression and anxiety. In addition, C.S. is exhibiting traits and behaviors that cause Ms. Regino to believe that C.S., is likely to seek to identify as a boy as she gets older, as her sister did.

95. Ms. Regino respects her daughters' life choices and will be supportive of them no

matter what those choices ultimately may be, including if they come to have a transgender identity. Ms. Regino is concerned, however, that the District will (again) socially transition her daughters without informing her or obtaining her consent. Ms. Regino simply wants to be involved in her daughters' lives and with the choices that have fundamental importance to them, such as the choice regarding whether to undergo social transitioning, and she is currently suffering psychological distress from her concern that the District will (again) socially transition her daughters behind her back.

96. Because the District applies the Parental Secrecy Policy at the schools A.S. and C.S. attend, the Policy presents a real, imminent, and credible threat to her parental right to direct and control their upbringing insofar as it operates to keep decisions regarding her children's social transitioning secret from her and allows such decisions to be made without her involvement.

97. Further, the District has steadfastly refused to disavow the Parental Secrecy Policy, both in communications with Ms. Regino directly and in Board meetings held after Ms. Regino filed this lawsuit.

98. Ms. Regino is subject to a real, imminent, and realistic danger that the District will (again) socially transition her daughters without her knowledge and consent pursuant to the Parental Secrecy Policy.

CAUSES OF ACTION

COUNT ONE

42 U.S.C. § 1983—Substantive Due Process

(Facial Challenge to Parental Secrecy Policy)

99. Ms. Regino hereby incorporates by reference all other paragraphs of this First Amended Complaint as though fully set forth herein.

100. The Due Process Clause of the Fourteenth Amendment to the United States Constitution protects the fundamental rights of parents[4] to direct and control the upbringing of

[4] All references to "parents" herein are meant to indicate custodial parents. The term also includes the concept of guardians.

their children; to make decisions concerning the care, custody, and control of their children; to direct and control the medical and psychological treatment of their children; to make important decisions in the lives of their children; and to make private familial decisions regarding their children without undue interference by the state. These fundamental rights are deeply rooted in our nation's history and tradition and implicit in the concept of ordered liberty.

101. On its face, the Parental Secrecy Policy violated in the past—and threatens to violate in the future—these rights in the following ways:

a. The Parental Secrecy Policy authorizes children to make mature, consequential, private, and potentially life-altering decisions without parental knowledge or consent by excluding parents from the decision-making process on these matters based on nothing more than the child's say-so;

b. The Parental Secrecy Policy takes from parents and arrogates to District personnel the authority to make these consequential, private, and potentially life-altering decisions for their children by excluding parents from the decision-making process and placing decision-making authority in District personnel based on nothing more than the child's say-so;

c. The Parental Secrecy Policy takes from parents the authority to make these consequential, private, and potentially life-altering decisions for their children by excluding parents from the decision-making process and placing decision-making authority in their children based on nothing more than the child's say-so;

d. The Parental Secrecy Policy interferes with parents' right to familial privacy and integrity by injecting the District into the family bonds that tie parents to their children;

e. The Parental Secrecy Policy assumes that parents are not fit parents, capable of making decisions on behalf of their children, which both (1) violates the constitutionally mandated presumptions of fitness and affection unless proven otherwise and (2) impermissibly sows seeds of doubt in children's mind about

whether their parents are acting in their best interests, thus creating a rift in the parent-child relationship;

f. The Parental Secrecy Policy usurps parents' responsibility as the ultimate decision-maker regarding their children's mental health and well-being, including but not limited to decisions related to their gender identity and social transitioning, and assigns that responsibility to the child;

g. The Parental Secrecy Policy usurps parents' responsibility as the ultimate decision-maker regarding their children's mental health and well-being, including but not limited to decisions related to their gender identity and social transitioning, and assigns that responsibility to the District;

h. The Parental Secrecy Policy conceals important information from parents about their children's mental health and well-being, thus precluding them from taking actions that they would deem in their children's best interests if they were provided with the relevant information;

i. The Parental Secrecy Policy authorizes the District to engage in significant psychological treatment of children, in the form of socially transitioning them to a new gender, without parents' knowledge or consent;

j. The Parental Secrecy Policy results in the District providing psychological treatment to children, some of whom do not need it, without parents' knowledge or consent;

k. The Parental Secrecy Policy is harmful to children because it causes persistence of transgender identities that would otherwise naturally desist;

l. The Parental Secrecy Policy results in the District providing substandard psychological treatment of children because parental involvement—and their deep knowledge of their children over their life course, family interactions, and extra-circular environment—is necessary for their diagnosis, assessment, and treatment;

m. The Parental Secrecy Policy results in the District providing substandard psychological treatment of children because it assumes that immediate and

unqualified affirmation is the only permissible response to a child exhibiting gender confusion whereas, in reality, such a "one size fits all" approach to these issues is a blunt instrument that fails to account for the unique facts involved in each situation;

n. The Parental Secrecy Policy results in the District providing substandard psychological treatment of children because District personnel are not trained mental health practitioners in the field and thus are not qualified to provide students expressing gender confusion the care they need;

o. The Parental Secrecy Policy results in the District providing substandard psychological treatment of children because creating a situation where a child inhabits different gender identities and roles at home and school is inherently psychologically unhealthy for the child; and

p. The Parental Secrecy Policy results in the District providing unconsented-to psychological treatment because: (1) children are cognitively incapable of giving informed consent to life-altering psychological interventions like social transitioning and the more-drastic gender-affirming care that is likely to follow; (2) District personnel do not have sufficient knowledge of the complexities and risks inherent in the field to provide students sufficient information that they could provide informed consent even if they were cognitively capable of doing so; and (3) District personnel do not have sufficient knowledge of the complexities and risks inherent in the field to themselves evaluate whether social transitioning is appropriate and ethical treatment.

102. On its face, the Parental Secrecy Policy is not narrowly tailored to any compelling governmental purpose; does not further any important or legitimate government purpose; is not supported by any rational basis; constitutes an unwarranted interference with family relationships; and is the product of deliberate indifference to the rights of parents and their children.

103. Students have no right of privacy vis-à-vis their parents with respect to either their gender identity or the fact that their school is socially transitioning them. Further, even if such a

right existed in the abstract, based on the fact the District is socially transitioning students transitioned throughout the school environment pursuant to the Parental Secrecy Policy, students have no reasonable expectation of privacy vis-à-vis their parents with respect to their gender identity or the fact that their school is socially transitioning them. In any event, parents' right to notice and consent trumps any countervailing right students might have.

104. In the alternative, if parental *notice and consent* are not required, the Parental Secrecy Policy is facially unconstitutional because it fails to require the District to at least *notify* parents prior to socially transitioning their children.

105. Ms. Regino has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

106. Ms. Regino is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining Defendants from their ongoing violations of her constitutional rights as set forth herein.

COUNT TWO

42 U.S.C. § 1983—Substantive Due Process

(As-Applied Challenge to Parental Secrecy Policy)

107. Ms. Regino hereby incorporates by reference all other paragraphs of this First Amended Complaint as though fully set forth herein.

108. As applied, the Parental Secrecy Policy violated in the past—and threatens to violate in the future—Ms. Regino's fundamental right to direct and control the upbringing of her children; to make decisions concerning the care, custody, and control of her children; to direct and control the medical and psychological treatment of her children; to make important decisions in the lives of her children; and to make private familial decisions regarding her children without undue interference by the state in the following ways:

a. The Parental Secrecy Policy authorizes A.S. and C.S. to make mature, consequential, private, and potentially life-altering decisions without parental

knowledge or consent by excluding their mother from the decision-making process on these matters based on nothing more than their say-so;

b. The Parental Secrecy Policy takes from Ms. Regino and arrogates to District personnel the authority to make these consequential, private, and potentially life-altering decisions for A.S. and C.S. by excluding her from the decision-making process and placing decision-making authority in District personnel based on nothing more than their say-so;

c. The Parental Secrecy Policy takes from Ms. Regino the authority to make these consequential, private, and potentially life-altering decisions for A.S. and C.S. by excluding her from the decision-making process and placing decision-making authority in her children based on nothing more than their say-so;

d. The Parental Secrecy Policy interferes with Ms. Regino's right to familial privacy and integrity by injecting the District into the family bonds that tie her to her children;

e. The Parental Secrecy Policy assumes that Ms. Regino is not a fit parent, capable of making decisions on behalf of A.S. and C.S., which both (1) violates the constitutionally mandated presumptions of fitness and affection unless proven otherwise and (2) impermissibly sows seeds of doubt in her children's mind about whether she is acting in their best interests, thus creating a rift in the parent-child relationship;

f. The Parental Secrecy Policy usurps Ms. Regino's responsibility as the ultimate decision-maker regarding A.S.'s and C.S.'s mental health and well-being, including but not limited to decisions related to their gender identity and social transitioning, and assigns that responsibility to A.S. and C.S.;

g. The Parental Secrecy Policy usurps Ms. Regino's responsibility as the ultimate decision-maker regarding A.S.'s and C.S.'s mental health and well-being, including but not limited to decisions related to their gender identity and social transitioning, and assigns that responsibility to the District;

h. The Parental Secrecy Policy conceals important information from Ms. Regino about her children's mental health and well-being, thus precluding her from taking actions that she would deem in her children's best interests if she were provided with the relevant information;

i. The Parental Secrecy Policy authorizes the District to engage in significant psychological treatment of A.S. and C.S., in the form of socially transitioning them to a new gender, without Ms. Regino's knowledge or consent;

j. The Parental Secrecy Policy results in the District providing psychological treatment to A.S. and C.S., whether or not they may need it, without Ms. Regino's knowledge or consent;

k. The Parental Secrecy Policy is harmful to A.S. and C.S. because it causes persistence of transgender identities that would otherwise naturally desist;

l. The Parental Secrecy Policy results in the District providing substandard psychological treatment of A.S. and C.S. because Ms. Regino's involvement—and her deep knowledge of her children over their life course, family interactions, and extra-circular environment—is necessary for their diagnosis, assessment, and treatment;

m. The Parental Secrecy Policy results in the District providing substandard psychological treatment of A.S. and C.S. because it assumes that immediate and unqualified affirmation is the only permissible response to a child exhibiting gender confusion whereas, in reality, such a "one size fits all" approach to these issues is a blunt instrument that fails to account for the unique facts involved in each situation;

n. The Parental Secrecy Policy results in the District providing substandard psychological treatment A.S. and C.S. because District personnel are not trained mental health practitioners in the field and thus are not qualified to provide students expressing gender confusion the care they need;

o. The Parental Secrecy Policy results in the District providing substandard psychological treatment of A.S. and C.S. because creating a situation where a child inhabits different gender identities and roles at home and school is inherently psychologically unhealthy; and

p. The Parental Secrecy Policy results in the District providing unconsented-to psychological treatment to A.S. and C.S. because: (1) they are cognitively incapable of giving informed consent to life-altering psychological interventions like social transitioning and the more-drastic gender-affirming care that is likely to follow; (2) District personnel do not have sufficient knowledge of the complexities and risks inherent in the field to provide A.S. and C.S. sufficient information that they could provide informed consent even if they were cognitively capable of doing so; and (3) District personnel do not have sufficient knowledge of the complexities and risks inherent in the field to themselves evaluate whether social transitioning is appropriate and ethical treatment for A.S. and C.S.

109. Application of the Parental Secrecy Policy against Ms. Regino is not narrowly tailored to any compelling governmental purpose; does not further any important or legitimate government purpose; is not supported by any rational basis; constitutes an unwarranted interference with Ms. Regino's family relationships; and is the product of deliberate indifference to the rights of Ms. Regino and her children.

110. A.S. and C.S. have no right of privacy vis-à-vis their mother with respect to either their gender identity or the fact that their school is socially transitioning them. Further, even if they had such a right in the abstract, based on the fact that the District would socially transition A.S. and C.S. throughout the school environment pursuant to the Parental Secrecy Policy, they have no reasonable expectation of privacy vis-à-vis their mother with respect to either their gender identity or the fact that their school is socially transitioning them. In any event, Ms. Regino's right to notice and consent trumps any countervailing right A.S. and C.S. might have.

111. In the alternative, if parental *notice and consent* are not required, the Parental

Secrecy Policy is unconstitutional as applied to Ms. Regino because it fails to require the District to at least *notify* her prior to socially transitioning her children.

112. Ms. Regino has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

113. Ms. Regino is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining Defendants from their ongoing violations of her constitutional rights as set forth herein.

COUNT THREE

42 U.S.C. § 1983—Procedural Due Process

(Facial Challenge to Parental Secrecy Policy)

114. Ms. Regino hereby incorporates by reference all other paragraphs of this First Amended Complaint as though fully set forth herein.

115. The Due Process Clause of the Fourteenth Amendment to the United States Constitution protects individuals' liberty interests against governmental infringement without due process of law.

116. On its face, the Parental Secrecy Policy infringes upon Ms. Regino's protected liberty interests without providing adequate procedural safeguards, including a thorough investigation into the relevant facts, notice, and an opportunity to be heard.

117. Ms. Regino has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

118. Ms. Regino is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining Defendants from their ongoing violations of her constitutional rights as set forth herein.

COUNT FOUR

42 U.S.C. § 1983—Procedural Due Process

(As-Applied Challenge to Parental Secrecy Policy)

119. Ms. Regino hereby incorporates by reference all other paragraphs of this First Amended Complaint as though fully set forth herein.

120. As applied, the Parental Secrecy Policy infringes upon Ms. Regino's protected liberty interests without providing adequate procedural safeguards, including a thorough investigation into the relevant facts, notice, and an opportunity to be heard.

121. Ms. Regino has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

122. Ms. Regino is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining Defendants from their ongoing violations of her constitutional rights as set forth herein.

COUNT FIVE

42 U.S.C. § 1983—First Amendment

(Facial Challenge to Parental Secrecy Policy)

123. Ms. Regino hereby incorporates by reference all other paragraphs of this First Amended Complaint as though fully set forth herein.

124. The First Amendment to the United States Constitution protects the fundamental right of individuals to enter into and maintain certain intimate human relationships, including family relationships, without undue interference by the state. This right includes the right of parents to form personal bonds with their children. Parents' relationships with their children have played a critical role in the culture and traditions of our Nation through the cultivation and transmittal of shared ideals and beliefs, thereby fostering diversity and acting as a buffer between the individual and the power of the state.

125. Parents' relationships with their children are shaped by whether the child is a boy or a girl, and the nature and character of the personal bonds formed by those relationships will fundamentally differ based on whether the child is the parents' "son" or "daughter."

126. By authorizing the District to socially transition children without notifying parents and obtaining their consent based on nothing more than the child's preference that their parents

not be involved, the Parental Secrecy Policy intentionally interferes, on its face, with the intimate associations that bond parent and child together because socially transitioning children to a different gender has the effect of fundamentally altering the nature of the parent-child relationship.

127. Ms. Regino has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

128. Ms. Regino is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining Defendants from their ongoing violations of her constitutional rights as set forth herein.

COUNT SIX

42 U.S.C. § 1983—First Amendment

(As-Applied Challenge to Parental Secrecy Policy)

129. Ms. Regino hereby incorporates by reference all other paragraphs of this First Amended Complaint as though fully set forth herein.

130. Ms. Regino's relationships with A.S. and C.S. are shaped by the fact that her daughters are girls, not boys, and the nature and character of the personal bonds formed by those relationships would differ if her daughters were to become her sons.

131. By authorizing the District to socially transition A.S. and C.S. without notifying her and obtaining her consent based on nothing more than their preference that she not be involved, the Parental Secrecy Policy intentionally interferes, as applied, with the intimate associations that bond her to her daughters.

132. Ms. Regino has no adequate remedy at law for these deprivations and will suffer serious and irreparable harm to her constitutional rights unless Defendants are enjoined as set forth herein.

133. Ms. Regino is entitled to declaratory relief and preliminary and permanent injunctive relief invalidating and restraining Defendants from their ongoing violations of her constitutional rights as set forth herein.

PRAYER FOR RELIEF

WHEREFORE, Ms. Regino requests the following relief:

1. A declaration that the Parental Secrecy Policy is facially invalid and invalid as applied to her under the substantive and procedural components of the Due Process Clause and the First Amendment;

2. A permanent injunction preventing Defendants and all those acting in concert with them from implementing, enforcing, or abiding by the Parental Secrecy Policy or any policy that allows Defendants to socially transition minor children without parental notification and consent at all times in the future, both facially and as applied to her;

3. In the alternative, a permanent injunction preventing Defendants and all those acting in concert with them from implementing, enforcing, or abiding by the Parental Secrecy Policy or any policy that allows Defendants to socially transition children without prior parental notification at all times in the future, both facially and as applied to her;

4. Costs and attorney's fees pursuant to 42 U.S.C. § 1988;

5. A trial by jury on all claims for which she has such a right; and

6. Such further relief that the Court deems just and proper.

Respectfully submitted,

Dated: April 10, 2023

DHILLON LAW GROUP INC.
CENTER FOR AMERICAN LIBERTY

/s/ Harmeet K. Dhillon
HARMEET K. DHILLON
MICHAEL A. COLUMBO
JOSHUA W. DIXON
ERIC A. SELL

Attorneys for Plaintiff
AURORA REGINO

EXHIBIT A

[redacted]

[redacted]

[redacted]

[redacted]

From: Chico Unified School District via Aeries Communications <donotreply@parentsquare.com>
To: [redacted]
Sent: Friday, January 13, 2023 at 06:24:35 PM PST
Subject: A Message From the CUSD Superintendent

Chico Unified School District

Chico Unified School District posted in Chico Unified School District

A Message From the CUSD Superintendent

Dear Chico Unified Families,

Yesterday (1/12/23) an article was published online and is making news headlines. At 4:07 p.m. today (1/13/23) we received the legal paperwork that sparked the initial news story. While our legal counsel is currently reviewing the lawsuit, we can address the article's headline and assure our community that Chico Unified *does not* have a "Parental Secrecy Policy", nor do we ever try to change a student's individual identity.

In regard to the lawsuit, we value our community and will thoroughly review and investigate any claims. As you know, Chico Unified continues to focus on family engagement and works hard to maintain open and transparent communication. We highly value the relationships our families have built with their schools. Through the challenges

faced by our community over the past few years, from the Camp Fire to the Pandemic, we heard the needs shared by our students and families and worked to put appropriate student supports in place. We have increased staffing including counselors, reading teachers, and the opportunity for high school students to take increased courses. We take pride in the hard work performed daily at our schools to provide a high-quality educational experience for our students.

While we cannot discuss legal proceedings, we do encourage our families to reach out to our District Office if they have specific questions regarding our curriculum, instruction or policies.

Sincerely, Kelly Staley

Kelly Staley, Superintendent
Chico Unified School District
1163 East 7th Street
Chico, CA 95928
Office: 530-891-3000 x 20235
kstaley@chicousd.org

View in Aeries Communications

Please do not reply to this email.

EXHIBIT B

Our Schools

Type a name, or keyword, to search the school listing

All Sites | All Groups | All Education Levels

Academy For Change (AFC - Community Day)

OTHER

290 East Avenue
Chico, CA 95926

SCHOOL INFO 5308913092

VISIT WEBSITE

Bidwell Junior High School

MIDDLE SCHOOL

2376 Ninth Avenue
Chico, CA 95928

SCHOOL INFO 5308913080

VISIT WEBSITE

Center For Alternative Learning (CAL)

MIDDLE SCHOOL

290 East Avenue
Chico, CA 95926

SCHOOL INFO 5308913092

VISIT WEBSITE

Chapman Elementary School

ELEMENTARY SCHOOL

1071 East 16th Street
Chico, CA 95928

SCHOOL INFO 5308913100

VISIT WEBSITE

Chico High School

HIGH SCHOOL

901 Esplanade, Chico, CA 95926
Chico, CA 95926

SCHOOL INFO 530.891.3026

VISIT WEBSITE

Chico Junior High School

MIDDLE SCHOOL

280 Memorial Way
Chico, CA 95926

SCHOOL INFO (530) 891-3066

VISIT WEBSITE

Chico Unified School District

DISTRICT OFFICE

1163 East Seventh Street
Chico, CA 95926

SCHOOL INFO (530) 891-3000

VISIT WEBSITE

Citrus Elementary

ELEMENTARY SCHOOL

1350 Citrus Avenue
Chico, CA 95926

SCHOOL INFO 5308913107

VISIT WEBSITE

Emma Wilson Elementary

ELEMENTARY SCHOOL

1530 West 8th Avenue
Chico, CA 95926

SCHOOL INFO 5308913297

VISIT WEBSITE

Fair View High School

HIGH SCHOOL

290 East Avenue
Chico, CA 95926

SCHOOL INFO 5308913092

VISIT WEBSITE

Hooker Oak Elementary School

ELEMENTARY SCHOOL

1238 Arbutus Ave
Chico, CA 95926

SCHOOL INFO (530) 891-3119

VISIT WEBSITE

Little Chico Creek Elementary

ELEMENTARY SCHOOL

2090 Amanda Way
Chico, CA 95928

SCHOOL INFO 5308913285

VISIT WEBSITE

Loma Vista (Special Services Program)**

OTHER

1580 Marcum Avenue
Chico, CA 95926

SCHOOL INFO 5308797400

VISIT WEBSITE

Marigold School

ELEMENTARY SCHOOL

2446 Marigold
Chico, CA 95926

SCHOOL INFO 5308913121

VISIT WEBSITE

Marsh Junior High School

MIDDLE SCHOOL

2253 Humboldt Road
Chico, CA 95928

SCHOOL INFO 5308954110

VISIT WEBSITE

McManus Elementary School

ELEMENTARY SCHOOL

988 East Avenue
Chico, CA 95926

SCHOOL INFO 5308913128

VISIT WEBSITE

Neal Dow Elementary School

ELEMENTARY SCHOOL

1420 Neal Dow
Chico, CA 95926

SCHOOL INFO 5308913110

VISIT WEBSITE

Oak Bridge Academy (Online Learning)

OTHER

1350 E. Lassen Ave.
Chico, CA 95973

SCHOOL INFO 5308978877

CONTACT VISIT WEBSITE

Oakdale (Independent Study)

OTHER

290 East Avenue, Chico, CA 95926
Chico, CA 95926

SCHOOL INFO (530)891-3092

VISIT WEBSITE

Parkview Elementary School

ELEMENTARY SCHOOL

1770 East Eighth Street
Chico, CA 95928

SCHOOL INFO (530) 891-3114

VISIT WEBSITE

Pleasant Valley High School

HIGH SCHOOL

1475 East Avenue
Chico, CA 95926

SCHOOL INFO 530-891-3050

VISIT WEBSITE

Rosedale Elementary

ELEMENTARY SCHOOL

100 Oak Street
Chico, CA 95928

SCHOOL INFO 5308913104

VISIT WEBSITE

Shasta Elementary School

ELEMENTARY SCHOOL

169 Leora Court
Chico, CA 95973

SCHOOL INFO 5308913141

VISIT WEBSITE

Sierra View Elementary School

ELEMENTARY SCHOOL

1598 Hooker Oak Avenue
Chico, CA 95926

SCHOOL INFO 5308913117

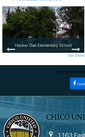
VISIT WEBSITE

Please Note

* Preschool Program is Limited. Learn More
** Special Services School. Learn More

Additional Information

- Kindergarten Registration
- New Student Enrollment



Hooker Oak Elementary School

CHICO UNIFIED SCHOOL DISTRICT

1163 East Seventh Street,
Chico, CA 95928-5999

(530) 891-3000
(530) 891-3220

ACCESSIBILITY | REPORT ISSUES | WEBMAIL | STAFF ROOM | ADMIN STAFF LOGIN | IT SUPPORT
HBO WORK ORDER

EXHIBIT C

Chico Unified School District

Board Agenda | Directory | Departments | Student/Par...

OUR DISTRICT | SCHOOLS | PROGRAMS | SERVING YOU | NEWS | CONTACT US

Our District

Chico Unified School District (CUSD) is located in California's lush Sacramento Valley and covers 322 square miles. CUSD oversees 23 schools: *12 Elementary; three Junior High; two High School; one Continuation (FVHS); one Community Day School (AFC); one Opportunity (CAL); one Independent Study (Oakdale); one Special Services (Loma Vista); one Online Learning Academy (Oak Bridge Academy); four Preschool Programs.*

Every school site strives to offer a diverse curriculum, highly qualified teachers and a dedicated staff placing students at the forefront of the learning process.

History of Chico Unified - Chico's first public school dates back to 1865; Salem Street School opened with a temporary roof and wooden floors. An entire public school system grew from these first humble beginnings.

In 1965, a special election was called and Chico Unified School District was formed.

Since its inception, Chico Unified School District has grown to encompass 18 schools with over 12,000 students and is comprised of many unique programs such as: preschool, transitional kindergarten (TK), continuation school, community day school, independent study program, Career and Technical Education programs (CTE), special services and an online academy.

We value our community partners and all of Chico for making public education a priority.

Quick Links

Chico Unified School District
(530) 891-3000

- LCAP
- SARC Reports

Are you a student, parent, or community member? Keep in touch with us:

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CHICO UNIFIED SCHOOL DISTRICT

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(530) 891-3000
(530) 891-3220

EXHIBIT D

Chico Unified School District

Board Information - CUSD Board of Education

The Governing Board consists of five members elected during statewide primary or general elections. Board Members serve a term of four years in office. The Board operates under the authority of the California Constitution, State Legislature, California Education Code and the California State Board of Education. The trustees are responsible for oversight, policy and adopting the annual Chico Unified School District Local Control and Accountability Plan which serves as the foundation for district-wide goals and priorities.

The Board of Education welcomes the opportunity to connect with parent, teachers and staff.

Meet the Board Members

DALBY, CAITLIN

BOARD MEMBER - AT LARGE

(530) 891-3000 x20235

SEND MESSAGE

Dept: Board of Education

KONKIN, REBECCA

BOARD MEMBER - TRUSTEE AREA 1

(530) 891-3000 x20149

SEND MESSAGE

Dept: Board of Education

LANDO, TOM

BOARD MEMBER - TRUSTEE AREA 4

(530) 891-3000 x20235

SEND MESSAGE

Dept: Board of Education

ROBINSON, EILEEN

BOARD MEMBER - TRUSTEE AREA 5

(530) 891-3000 x20235

SEND MESSAGE

Dept: Board of Education

TENNIS, MATT

BOARD MEMBER - AT LARGE

(530) 891-3000 x20235

SEND MESSAGE

Dept: Board of Education

Board of Education
Superintendent's Office
(530) 891-3000 ext. 20149

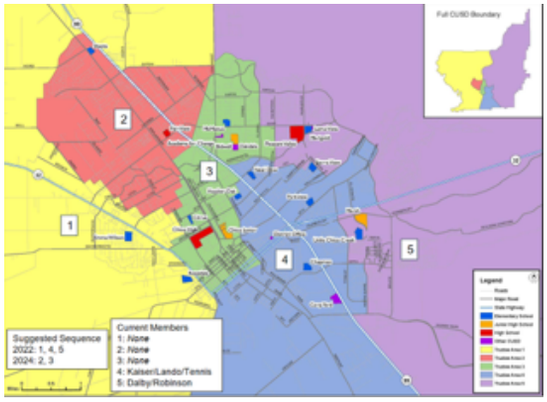
QUICK LINKS

- CUSD Trustee Area Election Maps
- Regularly Scheduled Meeting Calendar
- Meeting Agendas/Minutes
- Contact the Board Trustees
- CUSD Board Policies
- YouTube (Recorded Meetings & Livestream)

Board Agenda Notification

If you are interested in receiving Board Agendas directly to your inbox, please subscribe to our Board Agenda Notification List: **https://bit.ly/3HxYGO2**

Regular meeting agendas are posted 72 hours in advance of the Board Meeting.



Transition to Trustee Area Elections

During the March 09, 2022 Regular Board of Education Meeting, the Board approved Resolution No. 1570-22 Establishing District Based Elections, the Final Map for those Elections and the Sequence for those Elections.

Learn More

Board Materials & Information

Board Meeting Calendar

Upcoming Board Meetings & Calendars

View the calendar of upcoming Board Meetings and Workshops. Board agendas will be posted 72 hours before the meeting.

Learn More

Board Workshops

View Board Workshops & Annual Presentations

Board Liaisons meet with staff prior to a Board Workshop to provide input into the Board presentation. Board Trustees approve the schedule for the upcoming school year each summer.

Learn More

Meeting Agendas

Board Meeting Agendas & Approved Meeting Minutes

View current and past

Board Policies

View All Board Policies for Chico Unified School

Board Meeting Agendas and the accompaning meeting minutes.

Learn More

Board Meeting YouTube Channel

View past Board Meetings and watch the Board Meeting as it is livestreamed.

Watch Now

How to Contact the Board Trustees

The Board Trustees welcome your input. Learn how to connect with members of the Board.

Learn More

District

In order to govern effectively, Districts are required to have accurate and up-to-date Board Policies. By law, Districts are mandated to adopt many policies to ensure legal compliance.

Learn More

Questions or Assistance

Please contact the Superintendent's Office at 530-891-3000 ext. 20149 should you have any questions or require assistance (or disability-related modification or accommodation or Interpreter Services in order to participate in the meeting).

Email Now

The Board Welcomes Your Comments in Writing

The public is encouraged to submit written comments to the Board Members in advance for their prior consideration. **In order to help ensure Board Members have sufficient time to review all comments, please submit comments by noon, on Monday (*two days prior to Wednesday's meeting*).**

Comments should be submitted to the CUSD mailbox at:PublicComment@chicousd.org.

All public comments received by the deadline will be available from the Chico Unified School District Office. The following information should be included in the body of the email:

- Agenda Item Number or
- General Public Comment for Items From the Floor ("Items from the Floor" is an agenda item on the **Regular** Board of Education Meetings – *not Special Board Meetings or Workshops*)

Letters to the Board may be addressed to:

CUSD Board of Education

1163 E. 7th Street
Chico, CA 95928

For additional information/questions, email here or call 530-891-3000, ext. 20149, weekdays, 8:00 a.m. - 4:30 p.m.

Monthly Meetings

Regular Board Meetings | **Special Board Meetings/Workshops**

Regular Board Meetings are typically held the third Wednesday of the month*.

Regular Board of Education Meetings*

When: Third Wednesday of the Month *(some exceptions apply)*
Time: Open Session 6 p.m. *(Closed Session 5 p.m.)*
Location: Marigold School, Multi-Purpose Room, 2446 Marigold Ave., Chico

** Please note: meeting location, time or dates may change. Please refer to the CUSD online calendar and the online agenda for information regarding upcoming meetings.*

Public participation for items not on the agenda are allowed at Regular Board Meetings only. View the Board Meeting agenda for additional details.

Board Related Materials

Resources | **Brown Act Basics** | **Contacts & Meeting Information**

- View Current Board Agendas *(Gamut Online: 1/15/20 - Present)*
- View Past Board Agendas *(Agenda Online: 8/16/17 - 12/18/19)*
- Approved Meeting Minutes *(2019 and earlier)*
- View Board Policies
- Goals & Mission
- 2021-22 Governance Handbook
- Board Meeting Procedures and Conduct
- Live Stream Regular Board Meetings Online
- 2021-22 Board Workshop Topics & Annual Presentations
- 2021 Board Meeting Calendar
- Watch Regular Board Meeting Video Archives

STATEMENT OF NON-DISCRIMINATION: The Governing Board of Chico Unified School District is committed to providing a working and learning environment free from discrimination, harassment, intimidation, and bullying. Chico Unified School District prohibits unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived age, ancestry, ethnicity, parental status, pregnancy status, color, mental or physical disability, gender, gender identity, gender expression, genetic information, immigration status, marital status, medical information, nationality, race, religion, sex, sexual orientation, , or association with a person or group with one or more of these actual or perceived characteristics.

If you believe you, or your student, have been subjected to discrimination, harassment, intimidation, or bullying you should contact your school site principal and/or the District's Chief Compliance and Title IX Officer, Tina Keene, by phone at (530) 891-3000 ext. 20105, by email at kkeene@chicousd.org, or in person at the District Office - 1163 East Seventh Street, Chico, CA 95928.

AMERICANS WITH DISABILITIES ACT: Please contact the Superintendent's Office at 891-3000, ext. 20149 should you require a disability-related modification or accommodation in order to participate in meetings or visit the district office. This request should be received at least 48 hours prior to the meeting in order to accommodate your request. Thank you!

Contact Us with Board Meeting Questions

Name *: Your Name

Email *: Your Email

Email Me a Copy

Subject *: Email Subject

Message *:

I'm not a Robot.

Send

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Superintendent's Office

EVERY STUDENT EVERY DAY

CADA ESTUDIANTE CADA DÍA

Superintendent's Office
(530) 891-3000 ext. 20235

Subscribe to the Newsletter

Kelly Staley, Superintendent
kstaley@chicousd.org

Quick Links

- Board of Educations Trustees
- Board Meeting Information
- Chico Unified Organizational Chart

Welcome –

My name is Kelly Staley and I am proud to serve the Chico Community as Superintendent of Chico Unified School District.

Chico Unified is fortunate to be surrounded by a community who fully embraces education from Pre-Kindergarten through high school and beyond. This support has allowed us to focus on our number one priority – our students.
This commitment to the success of every student has led to our schools, staff, and students receiving local, state and national recognition. We are proud to have 12 California Distinguished Schools within our district. These are a testament to our focus on quality teachers and high levels of academic and personal success.

We understand students and parents want choice as education is not one-size-fits-all. CUSD offers a variety of academic programs, learning styles, special and alternative education options, some smaller classroom environments, arts and music, athletics, robotics and career tech classes where students can excel and thoroughly enjoy their educational experience. Our goal is to have students graduate prepared for where life takes them whether it be college, career tech training, the work force, or the military.

To meet the challenges of a rapidly changing world, CUSD is incorporating the latest technology into our instructional programs. Through the additional support and generosity of local businesses, our goal of providing cutting edge technology and instruction can and is becoming a reality.

Thanks to the support of our community through local bonds, CUSD facilities have (and are) undergoing upgrades and improvements physically, technologically and aesthetically, while keeping sustainability in the forefront. New buildings at Pleasant Valley High, Chico High, Chico Jr. High and Marsh Jr. High are just a few examples of recent projects improving the experience of thousands of students throughout the district.

As a commitment to our students' whole being, we have adopted and developed programs focused on nutrition for healthy bodies, physical and psychological health, bullying, and learning challenges. Music and art are once again strong in our schools as are interscholastic athletics. These combine to help create well rounded, productive and educated citizens.

I am proud of our excellent schools, teachers, staff and the growing choices students are offered. I invite you to be a partner in our schools and welcome your participation in our school community. Please feel free to contact me at (530) 891-3000 x 20149 or by email (kstaley@chicousd.org).

Superintendent's Update

Every month we enjoy highlighting the successes and programs our incredible staff and administrators are creating for our students. Learn about our community partnerships and school district updates in the Superintendent's Update.

Click Here

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EXHIBIT F

Chico Unified School District
1163 East Seventh Street, Chico, CA 95928-5999
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Administrative Regulation: **#5145.3**

Section: 5000 **Students**

Nondiscrimination/Harassment

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics.. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Kristine Keene
Director of State and Federal Programs
1163 East Seventh St.
Chico, CA 95928
(530) 891-3000

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 5131.2 - Bullying)
(cf. 5145.9 - Hate-Motivated Behavior)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner

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that is easily accessible to parents/guardians and students (Education Code 234.6)

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)

   a. The name and contact information of the district's Title IX coordinator, including the phone number and email address

   b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

   c. A description of how to file a complaint of noncompliance with Title IX, which shall include:

      (1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

      (2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

      (3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.

7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related

complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 – Volunteer Assistance)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so. (Education Code 234.1)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy
The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 – Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, and how to report it or file a complaint, and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Regulation Approved: 06/15; 09/30/15; 01/17/17; 02/12/18; 02/25/19; 11/18/19; 03/01/21

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5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that the student knew was not true

(cf. 4118 – Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints
Students who feel that they have been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the Compliance Officer, principal, or any other staff member. In addition, students who observes any such incident are strongly encouraged to report the incident to the Compliance Officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the Compliance Officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, the principal or compliance officer shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures or, for complaints of sexual harassment that meet the federal Title IX definition, AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students
Gender identity of a student means the student's gender-related identity, appearance, or behavior, as determined from the student's internal sense, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex

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assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment, regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity

2. Disciplining or disparaging a student or excluding the student from participating in activities, for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable

3. Blocking a student's entry to the restroom that corresponds to the student's gender identity

4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent

6. Use of gender-specific slurs

7. Physical assault of a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by- case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is the student's private information and the district shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling

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evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless the employee is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the student's need for support, the compliance officer may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The Compliance Officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.

3. Addressing a Student's Transition Needs: The Compliance Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Compliance Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting the student's educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: When the district maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a

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staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6153 - School-Sponsored Trips)
(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government-issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.3 - Challenging Student Records)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronoun(s) consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

EXHIBIT G

Frequently Asked Questions

School Success and Opportunity Act (Assembly Bill 1266) Frequently Asked Questions.

Consistent with our mission to provide a world-class education for all students, from early childhood to adulthood, the California Department of Education issues the following Frequently Asked Questions (FAQs) in an effort to (a) foster an educational environment that is safe and free from discrimination for all students, regardless of sex, sexual orientation, gender identity, or gender expression, and (b) assist school districts with understanding and implementing policy changes related to AB 1266 and transgender student privacy, facility use, and participation in school athletic competitions.

These FAQs are provided to promote the goals of reducing the stigmatization of and improving the educational integration of transgender and gender nonconforming students, maintaining the privacy of all students, and supporting healthy communication between educators, students, and parents to further the successful educational development and well-being of every student.

Expand All | Collapse All

RECENT DEVELOPMENTS AND RESOURCES

The California School Boards Association's (CSBA) Legal Guidance on Rights of Gender Nonconforming Students in Schools

CSBA has also developed a model board policy and administrative regulation that can be adopted by districts. The most current CSBA sample language is available through GAMUT Policy and Policy Plus

- Board Policy 5145.3 - Nondiscrimination/Harassment
- Administrative Regulation 5145.3 - Nondiscrimination/Harassment

Office for Civil Rights Complaint and Resolution Agreement

On July 24, 2013, the U.S. Department of Education's Office for Civil Rights and the U.S. Department of Justice's Civil Rights Division entered into a Resolution Agreement with the Arcadia Unified School District to resolve a complaint alleging violations of Title IX. The case was brought on behalf of a transgender student who was denied access to the boys' restrooms and locker rooms, and required to sleep in a separate facility during an overnight field trip. The agreement requires the school district to treat the student in a manner consistent with his gender identity for all purposes. Moreover, the school district agreed to retain a consultant to revise their policies to prohibit discrimination on the basis of gender identity and implement a district-wide training program for staff and students.

The Resolution Agreement (PDF; Posted 29-Jan-2016) between the Office for Civil Rights and Arcadia Unified School District

California Interscholastic Federation

In February 2013, the California Interscholastic Federation (CIF) issued new bylaws which provide that all students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity. CIF Regulation 300 D, Gender Identity Participation, provides:

> Participation in interscholastic athletics is a valuable part of the educational experience for all students. All students should have the opportunity to participate in CIF activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records. The student and/or the student's school may seek review of the student's eligibility for participation in interscholastic athletics in a gender that does not match the gender assigned to him or her at birth, should either the student or the school have questions or need guidance in making the determination, by working through the procedure set forth in the "Guidelines for Gender Identity Participation."

NOTE: The student's school may make the initial determination whether a student may participate in interscholastic athletics in a gender that does not match the gender assigned to him or her at birth.

The new California Interscholastic Federation bylaws

Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence, April 29, 2014

In April 2014, the U.S. Department of Education, Office for Civil Rights, issued guidance making clear that federal law prohibits discrimination against students on the basis of transgender status: "Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation (PDF; Posted 29-Jan-2016)."

Office for Civil Rights Dear Colleague Letter, October 26, 2010

In October 2010, the U.S. Department of Education, Office for Civil Rights, issued a Dear Colleague Letter that, among other things, clarified that although Title IX does not prohibit discrimination on the basis of sexual orientation, harassment directed at a student because that student is gay, lesbian, bisexual, or transgender may constitute sexual harassment and sex discrimination prohibited by Title IX.

The U.S. Department of Education, Office for Civil Rights, Dear Colleague Letter, October 26, 2010 (PDF; Posted 29-Jan-2016)

Other Resources

Gay-Straight Alliance Network/Tides Center, Transgender Law Center and National Center for Lesbian Rights. (2004). Beyond the Binary: A Tool Kit for Gender Identity Activism in Schools. San Francisco, CA: GSA Network (PDF; Posted 29-Jan-2016)

Gerald P. Mallon, "Practice with Transgendered Children," in *Social Services with Transgendered Youth* 49, 55-58 (Gerald P. Mallon ed., 1999)

Stephanie Brill & Rachel Pepper, *The Transgender Child*, 61-64 (2008).

Questions: School Health and Safety Office | shso@cde.ca.gov | 916-319-0914

Last Reviewed: Tuesday, March 14, 2023

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AURORA REGINO

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AURORA REGINO,

Plaintiff,

v.

SUPERINTENDENT KELLY STALEY, IN HER OFFICIAL CAPACITY; CAITLIN DALBY, IN HER OFFICIAL CAPACITY; REBECCA KONKIN, IN HER OFFICIAL CAPACITY; TOM LANDO, IN HIS OFFICIAL CAPACITY; EILEEN ROBINSON, IN HER OFFICIAL CAPACITY; AND MATT TENNIS, IN HIS OFFICIAL CAPACITY,

Defendants.

Case No: 2:23-cv-00032-JAM-DMC

PROOF OF SERVICE

I, Harmeet K. Dhillon, hereby certify that on April 10, 2023, I electronically filed the above documents with the Clerk of the Court using CM/ECF, which will send electronic notification of such filing to all registered counsel.

By: /s/ Harmeet K. Dhillon
Harmeet K. Dhillon

Date: April 10, 2023