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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

**PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65, Plaintiffs Rebecca Roe and Sexuality and Gender Alliance, by and through their undersigned counsel, respectfully move this Court for a preliminary injunction enjoining Defendants, as well as their officers, employees, agents, and all persons acting in concert or participation with them, from enforcing Idaho Senate Bill 1100 (“S.B. 1100”), which excludes transgender people from public school restrooms and facilities matching their gender identity as of July 1, 2023. Plaintiffs also move this Court for an order waiving the requirement for bond or security from Plaintiffs.

This motion is based on the Memorandum in Support of Plaintiffs’ Motion for Preliminary Injunction, the accompanying declarations and exhibits, all the pleadings and papers on file, and any argument the Court may consider. S.B. 1100 violates the Equal Protection and Due Process Clauses of the Constitution and Title IX of the Education Amendments of 1972. A preliminary injunction is warranted because Plaintiffs are likely to succeed on the merits of their claims; they will suffer irreparable harm to their constitutional and statutory right to equal treatment, their fundamental right to privacy, and their health and well-being; the balance of equities tips sharply in Plaintiffs’ favor; and a preliminary injunction is in the public interest.

Dated: July 6, 2023

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of July, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Not Applicable (no defendant has yet appeared)

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Registered Participants via U.S. first class mail, postage prepaid addressed as follows:

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INTRODUCTION

At the start of any school year, students engage in a range of familiar rituals accompanied by a range of familiar emotions: transitioning from the more carefree days of summer break to the hourly bells of a school schedule; picking out what they will wear on the first day of school and then agonizing over what first impressions that will make; and wondering who they will sit with at lunch and hoping that a table of friendly faces might welcome them. Successfully navigating this landscape is challenging enough for all students. But, this year, transgender students in Idaho must also confront a new daily challenge that other students will not face: their targeted exclusion from school restrooms and other facilities used by their peers. As of July 1, 2023, Idaho Senate Bill 1100 (“S.B. 1100”) imposes a blanket statewide ban excluding transgender students from school facilities consistent with their gender identity.

S.B. 1100 transforms transgender youth into pariahs in their own communities. While every other student is able to continue using facilities that match their gender identity, transgender youth alone are barred from using those same communal facilities. It is profoundly stigmatizing to be told that you are not welcome where everyone else is welcome and must instead go elsewhere. This exclusion also mandates the exact opposite of what science and medicine have long confirmed is necessary for transgender people to have an equal chance to thrive: the ability to live in a manner consistent with one’s gender identity in all aspects of life. That simple yet powerful treatment can help to avert grave consequences that can otherwise destroy the lives of transgender youth—including depression, anxiety, and suicidality—and that can keep parents of transgender youth awake at night.

S.B. 1100 is also a quintessential solution in search of a problem, sacrificing the well-being of a vulnerable minority with no benefit to the majority in return. For many years,

numerous schools across Idaho, like others nationwide, have adopted inclusive policies and practices that allowed transgender students to access facilities consistent with their gender identity—without any evidence of harm. S.B. 1100 is premised on the baseless fear that equality cannot coexist with privacy and safety; but countless experiences have proven that false.

As numerous federal courts have recognized, policies like S.B. 1100 break the collective promise of equal protection for all secured by both the Constitution and Title IX, and they violate the constitutional right to privacy by exposing students’ transgender status to others. A preliminary injunction is necessary to halt these irreparable injuries. Each day that these students suffer the unforgettable sting of discrimination, or the irreversible danger of a privacy violation, is a day they cannot get back. There is no do-over of seventh grade for Plaintiff Rebecca Roe, nor of the singular experience of high school for members of Plaintiff Sexuality and Gender Alliance at Boise High School (“SAGA”), and that reality is true for all of Idaho’s transgender youth. Only a preliminary injunction can prevent the permanent scars of discrimination.

FACTUAL BACKGROUND

I. A Vast Medical Consensus Recognizes That Transgender People Must Be Allowed to Live in a Manner Consistent With Their Gender Identity in All Aspects of Life.

As explained by Dr. Stephanie Budge, who is a psychologist and professor with expertise in transgender health, people are typically assigned a sex designation at birth based on the appearance of external genitalia—often called their “sex assigned at birth.” Decl. of Stephanie Budge, Ph.D. ¶ 21. But a person has multiple sex-related characteristics, including chromosomal makeup, hormones, internal and external reproductive organs, secondary sex characteristics, and gender identity. *Id.* ¶ 22. Gender identity refers to a person’s internal or psychological sense of having a particular gender. *Id.* ¶ 19. For most people, these sex-related characteristics align with each other. But that is not so for all people. A person’s gender identity, in particular, can

diverge from other sex-related characteristics. When there is a divergence among a person's sex-related characteristics, medical experts agree that gender identity is the most important and determinative factor. *Id.* ¶ 22.

The majority of people are “cisgender,” meaning their gender identity aligns with their sex assigned at birth. But a minority of people are transgender, meaning their gender identity differs from their sex assigned at birth. *Id.* ¶ 21. Like cisgender people, transgender people experience a consistent, persistent, and insistent sense of being their gender; that gender, however, happens to be different from their sex assigned at birth. *Id.* ¶ 23.

Medical professionals have long recognized that affirming a transgender person's gender identity is crucial to their health. Gender dysphoria refers to the clinically significant distress that can result when a person's gender identity differs from the person's sex assigned at birth. *Id.* ¶ 25. If left untreated, gender dysphoria can result in profound psychological distress, anxiety, depression, and even self-harm or suicidal ideation. *Id.*

There are internationally accepted Standards of Care governing the treatment of gender dysphoria. *Id.* ¶ 15. A critical component of that treatment is social transition. *Id.* ¶ 34. To socially transition, a transgender person must live fully in accordance with their gender identity in all aspects of life. *Id.* To be effective, social transition must be respected consistently across all aspects of a transgender individual's life—for example, at home and in school. *Id.* Failing to recognize a transgender person's gender can undermine social transition and thereby exacerbate the negative consequences of gender dysphoria. *Id.* ¶ 35.

Refusing to allow transgender students to use the restrooms and other facilities that align with their gender identity disrupts those students' social transition, thereby undermining the effectiveness of treatment for gender dysphoria. *Id.* ¶¶ 58-60. It also causes significant

psychological harms by causing these students to feel rejected, stigmatized, and shamed, and by increasing depression, anxiety, and suicidal ideation. *Id.* ¶ 53. In research where transgender youth were prevented or discouraged from using facilities matching their gender identity, 60% seriously considered suicide. *Id.* ¶ 57.

Further, excluding transgender students from facilities that match their gender identity also exposes those students to external threats. Transgender people regularly face harassment and victimization in restrooms when they are perceived not to belong. *Id.* ¶ 56. Consigning transgender individuals to use facilities that do not correspond to their gender identity and expression subjects those individuals to increased risk of victimization. *Id.*

II. For Years, Numerous Idaho Schools—and Thousands of Schools Nationwide—Have Permitted Transgender Students to Use Facilities Matching Their Gender Identity.

Many schools in Idaho have long adopted inclusive policies and practices that allow transgender students to use facilities that correspond to their gender identity. Decl. of Jimmy Biblarz ¶ 7, Ex. 5. In 2015, for instance, the Idaho School Boards Association (ISBA) created Policy 3281, which specified that students should be permitted “to use the restrooms and locker rooms that correspond to the gender identity they consistently assert at school.” *Id.*, Ex. 2. Since Policy 3281 was issued, a significant number of school districts have adopted it or implemented practices that align with it. *Id.* ¶ 7, Ex. 5. For example, Boise School District implemented a practice in 2016 in which transgender students can develop a gender support plan confirming their use of facilities matching their gender identity. *Id.*, Ex. 7; Decl. of A.J., Ex. A.

There is no evidence that adoption of inclusive policies and practices across Idaho schools has caused any harm to students. To the contrary, all of the evidence shows that such policies have only made transgender students feel more welcome and respected at school. ISBA itself has confirmed that schools adopting inclusive policies have had no reported incidents as a

result. Biblarz Decl., Ex. 4. Experts who work in Idaho schools agree. School Resource Officer (SRO) Morgan Ballis works in the Blaine County School District and is also President of the Idaho Association of School Resource Officers (IDASRO). Ballis Decl. ¶¶ 15, 19. In 2016, Blaine County adopted a policy that allows transgender students to use facilities consistent with their gender identity. *Id.* ¶¶ 23, 25. Officer Ballis has not seen any evidence that this policy has harmed even a single non-transgender student. He is unaware of transgender students posing privacy risks to others or cisgender students pretending to be transgender to gain access the other sex’s facilities. *Id.* ¶¶ 30-31. Further, IDASRO maintains contact with approximately 205 SROs across Idaho, who consistently use the organization as a resource to discuss trends in safety issues. *Id.* ¶¶ 19, 32. As President of IDASRO, Officer Ballis has not seen any mention by any of these SROs of a privacy or safety problem arising out of inclusive policies. *Id.* ¶ 32. To the contrary, these policies “are important to protect the safety of transgender youth.” *Id.* ¶ 26.

Schools in countless other jurisdictions have also successfully implemented inclusive policies and practices for years, without any evidence of harm. For example, as a former school administrator, Diana Bruce was involved with the adoption of an inclusive policy for the District of Columbia Public Schools, which dates back to 2006 and has been implemented without issue. *See* Decl. of Diana Bruce. Similarly, assistant principal Foster Jones has direct experience with the inclusive policy at his high school in Kentucky, which has existed since 2014 without causing any privacy or safety issues. *See* Decl. of Foster Jones. As explained below, courts analyzing discriminatory restroom policies across multiple jurisdictions have repeatedly found that privacy and safety concerns are based on speculation and conjecture—not evidence.

III. The Legislative History of S.B. 1100 Is Bereft of Any Evidence to Substantiate the Legislature’s Purported Findings.

S.B. 1100 took shape shortly after a highly public fight in early 2023 about whether

Caldwell School District should join the numerous other schools in Idaho that have adopted an inclusive policy. Biblarz Decl., Ex. 5. At a school board meeting to discuss the policy, Idaho Senator Chris Trakel—who would ultimately become a key proponent of S.B. 1100—asserted that such a policy would jeopardize children’s “moral health.” Biblarz Decl. ¶ 6. Idaho Senator Cindy Carlson, who would later testify in favor of S.B. 1100, sent a public letter to Idaho Superintendent of Public Instruction Debbie Critchfield, urging Critchfield to take action to prevent enforcement of inclusive policies, and declaring, “[w]e need to send the message” about kids not being “indoctrinate[d]” with “this garbage.” *Id.*, Ex. 6.

Shortly thereafter, S.B. 1100 was introduced in the Senate, racing through the Legislature in a mere month. Supporters professed a belief that transgender people do not or should not exist. Senator Trakel stated that “[w]e believe biological gender to be an essential characteristic of a child’s identity and purpose.” *Id.* ¶ 13. One supporter testified that “God made man and woman . . . and eventually men and women made men’s and women’s bathrooms for men and women,” and that “We either have Part A or Part B. Let’s keep it simple.” *Id.*

In attempting to justify the law, legislators cited hypothetical concerns about safety and privacy, while simultaneously painting transgender students as threats to other students. Senator Trakel hypothesized that the bill would prevent “some small child” from otherwise being “molested or raped in the bathroom.” *Id.* Even as they speculated as to these unsubstantiated concerns, legislators supporting the bill simultaneously conceded that there were no “documented cases of trans person violence on non-trans people.” *Id.*

Tellingly, the Legislature acknowledged in its findings that “federal court judgments” had repeatedly invalidated similar policies. 33-6601(6).¹ Undeterred, it passed S.B. 1100.

¹ Citations to S.B. 1100 (referenced as 33-6601 to 33-6607) are to Idaho Code, Title 33

IV. S.B. 1100 Excludes Transgender Students from Sex-Designated Facilities Matching Their Gender Identity.

S.B. 1100 defines “sex” based solely on chromosomes and reproductive anatomy. 33-6602. Based on this definition, S.B. 1100 requires that every public school multiple-occupancy restroom or changing facility must be designated by sex and used only by members of that “sex.” 33-6603(1). This requires public schools to banish transgender people from the facilities matching their gender identity. 33-6602; 33-6603.

In addition to this statewide mandate, S.B. 1100 also creates a private right of action that places a “bounty” on the heads of transgender students. Any student who encounters someone of the “opposite sex” in covered facilities may obtain statutory damages of at least \$5,000, thereby transforming the peers of transgender students into compensated informants. 33-6606.

S.B. 1100 requires that schools provide “reasonable accommodations” to anyone who is “unwilling or unable” to use the facilities designated for the person’s “sex,” but this does not include access to facilities “designated for use by members of the opposite sex while persons of the opposite sex are present or could be present.” 33-6605. S.B. 1100 thus relegates transgender youth to “other” facilities, which is stigmatizing and damaging. Budge Decl. ¶ 52. S.B. 1100 also lays out various exemptions—such as permitting coaching staff to enter otherwise prohibited facilities to deliver a halftime “pep talk”—but none provides transgender students with equal access to facilities matching their gender identity. 33-6604; Biblarz Decl. ¶ 13.²

S.B. 1100 also includes legislative “findings” asserting that the law protects the “privacy and safety” of students, and that allowing transgender students to use facilities matching their

Education, Chapter 66 [67] Protecting the Privacy and Safety of Students in Public Schools.

² S.B. 1100 also applies to school-sponsored events with overnight lodging. 33-6603(4). Thus, for example, on a school trip where four students would stay in a hotel room together, a transgender student may be forced to stay in a room without other students.

gender identity would purportedly “increas[e] the likelihood of sexual assault, molestation, rape, voyeurism, and exhibitionism” and cause “potential embarrassment, shame, and psychological injury to students.” 33-6601(2-5). As noted, no evidence substantiated these findings.

V. S.B. 1100 Will Irreparably Harm Transgender Youth Like Plaintiff Rebecca Roe and Members of Plaintiff SAGA.

If not preliminarily enjoined, S.B. 1100 will harm transgender students across Idaho like Plaintiff Rebecca Roe and members of SAGA, who merely seek to safely attend public school in accordance with their gender identity, just as their peers are able to do.

Rebecca Roe is a twelve-year-old girl who has attended school within Boise School District since kindergarten. Decl. of Rebecca Roe (“Rebecca Decl.”) ¶ 2; Decl. of Rachel Roe (“Rachel Decl.”) ¶ 2. Rebecca enjoys playing video games, hanging out with friends at the mall, watching anime shows, and doodling artwork. Rebecca Decl. ¶ 3. For the 2023-24 academic year, she will be attending seventh grade at a junior high within Boise School District. *Id.* ¶ 2.

Rebecca is transgender. She began her social transition in fifth grade, when she started to live her life in accord with her gender identity. *Id.* ¶¶ 9-10. Before she transitioned, Rebecca exhibited signs of depression, struggled socially, and fell behind academically. Rachel Decl. ¶¶ 4-7. After she transitioned, her mental health improved. *Id.* ¶ 8. As part of her transition, Rebecca began to use a girl’s name; dressed in girls’ clothes; adopted a more feminine hairstyle; and started using female pronouns. Rebecca Decl. ¶ 10. Her friends accepted her. *Id.* ¶ 11.

Heading into junior high, Rebecca wishes to use the girls’ restroom—just like all the other girls. Excluding her from those facilities will jeopardize her social transition, imperil her mental and physical health, and violate her right to privacy by outing her to peers. Before S.B. 1100, junior high held the prospect of acceptance, which is especially critical for the well-being of transgender youth. Now, when she wishes to go with friends into the girls’ restroom, she will

have to explain to them why she alone is not permitted to enter.

Plaintiff SAGA is a student organization focused on supporting, uplifting, and representing lesbian, gay, bisexual, transgender, and queer (LGBTQ) students at Boise High School. A.J. Decl. ¶ 2. One of SAGA’s goals is to ensure that LGBTQ students are safe and welcome at school. There are transgender members of SAGA, including current SAGA president A.J., who is a transgender boy.³ Pursuant to Boise School District’s inclusive practice, transgender students at Boise High School have been able to use facilities matching their gender identity. A.J. is one of those students. He used the boys’ restroom at school without incident during his junior year, and he wishes to continue doing so during his senior year, just like other boys. *Id.* ¶ 8. S.B. 1100, however, casts him out from those facilities, inflicting the same irreparable injuries on him as other transgender youth like Rebecca.

STANDARD

A preliminary injunction is warranted where a party has shown that “(1) it is likely to succeed on the merits of its claim, (2) it is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of hardships tips in its favor, and (4) a preliminary injunction is in the public interest.” *Int’l Franchise Ass’n, Inc. v. City of Seattle*, 803 F.3d 389, 399 (9th Cir. 2015). “When the government is a party, these last two factors merge.” *Drakes Bay Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014).

Alternately, a preliminary injunction is also appropriate when “serious questions going to the merits [are] raised and the balance of hardships tips sharply in the plaintiff’s favor,” combined with a likelihood of irreparable injury and a showing that the injunction serves the

³ SAGA has standing to seek relief because of the injuries that S.B. 1100 inflicts on the organization, including its transgender members who are excluded from facilities matching their gender identity. *See Hunt v. Wash. State Apple Advert. Comm’n*, 432 U.S. 333, 341-42 (1977).

public interest. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011).

ARGUMENT

I. **Plaintiffs Are Likely to Succeed on Their Equal Protection Claim.**

To safeguard the constitutional rights of vulnerable groups who are most often targeted for mistreatment, laws that discriminate against a quasi-suspect class must satisfy heightened scrutiny under the Equal Protection Clause. *Karnoski v. Trump*, 926 F.3d 1180, 1200-01 (9th Cir. 2019). The import of heightened scrutiny is several-fold. First, the court must presume that the law is unconstitutional, and the government bears the heavy burden of proving otherwise. *United States v. Virginia*, 518 U.S. 515, 533 (1996). Second, the government must show an “exceedingly persuasive justification” in which there is a substantial relationship between the discriminatory means employed and the achievement of important government interests. *Id.* at 534. And these must be actual interests—“not hypothesized or invented post hoc in response to litigation.” *M.H. v. Jeppesen*, No. 1:22-cv-00409-REP, 2023 WL 4080542, at *8 (D. Idaho Jun. 20, 2023) (quotes omitted). Third, where the government’s means are grossly over-inclusive or under-inclusive to achieving its interests, or where less intrusive means can substantially achieve those interests without discrimination, the law fails heightened scrutiny. *Latta v. Otter*, 771 F.3d 456, 472 (9th Cir. 2014); *Karnoski*, 926 F.3d at 1200. Finally, these interests must be sufficient to “overcome the injury and indignity inflicted” on the group—including “messages of stigma or second-class status.” *Hecox v. Little*, 479 F. Supp. 3d 930, 976 (D. Idaho 2020) (quotes omitted).

Plaintiffs are likely to succeed because (1) S.B. 1100 discriminates based on transgender status and sex, triggering heightened scrutiny; and (2) S.B. 1100 fails to satisfy that scrutiny.

A. **S.B. 1100 Triggers Heightened Scrutiny Because It Discriminates Against Transgender People Based on Transgender Status and Sex.**

While people who are not transgender are able to access school facilities consistent with

their gender identity, S.B. 1100 bars transgender people like Rebecca Roe and SAGA members from doing so. As courts have long recognized, that type of exclusion discriminates against transgender people, because it is discrimination based on both transgender status and sex.⁴

Transgender Status. In *Karnoski v. Trump*, 926 F.3d at 1200-01, the Ninth Circuit recognized that transgender people bear all the indicia of a quasi-suspect class, such as being subjected to a history of discrimination and lacking sufficient political power to protect themselves. Thus, a government policy that purported to allow transgender people to serve in the military “in their biological sex”—but barred them from doing so consistent with their gender identity—triggered the heightened scrutiny. *Id.* at 1191.

S.B. 1100 similarly discriminates against transgender people. Courts have overwhelmingly recognized that excluding transgender people from facilities matching their gender identity—while allowing cisgender people to use facilities matching their gender identity—discriminates based on transgender status.⁵ See, e.g., *Grimm*, 972 F.3d at 610; *Whitaker*, 858 F.3d at 1051. “[U]nlike every other student, [transgender students] would have to use restrooms where they are wholly unlike everyone else in appearance, manner, mode of

⁴ E.g., *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 608-14 (4th Cir. 2020), *cert. denied*, 141 S. Ct. 2878 (2021); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1051 (7th Cir. 2017); *Dodds v. United States Dep’t of Educ.*, 845 F.3d 217, 220-22 (6th Cir. 2016); *B.E. v. Vigo Cnty. Sch. Corp.*, 608 F. Supp. 3d 725, 729-33 (S.D. Ind. 2022); *A.C. v. Metropolitan Sch. Dist. of Martinsville*, 601 F. Supp. 3d 345, 350-54 (S.D. Ind. 2022); *A.H. v. Minersville Area Sch. Dist.*, 408 F. Supp. 3d 536, 575-78 (M.D. Pa. 2019); *J.A.W. v. Evansville Vanderburgh Sch. Corp.*, 396 F. Supp. 3d 833, 842-43 (S.D. Ind. 2019); *M.A.B. v. Bd. of Educ. of Talbot Cnty.*, 286 F. Supp. 3d 704, 716-18 (D. Md. 2018); *Evancho v. Pine-Richland Sch. Dist.*, 237 F. Supp. 3d 267, 288-89 (W.D. Pa. 2017); *Bd. of Educ. of the Highland Local Sch. Dist. v. U.S. Dep’t of Educ.*, 208 F. Supp. 3d 850, 874-76 (S.D. Ohio 2016).

⁵ Courts in this district have similarly held that the government discriminates based on transgender status where it denies transgender people treatment consistent with their gender identity—from birth certificates to sports to healthcare. *F.V. v Barron*, 286 F. Supp. 3d 1131, 1141 (D. Idaho 2018); *Hecox*, 479 F. Supp. 3d at 975; *M.H.*, 2023 WL 4080542, at *11-13.

living, and treatment at school.” *Evancho*, 237 F. Supp. 3d at 285.

Sex. Heightened scrutiny is also independently required because discrimination against transgender people necessarily involves discrimination based on sex. The Supreme Court has now settled the point, once and for all: “it is impossible to discriminate against a person for being transgender without discriminating against that individual based on sex.” *Bostock v. Clayton Cnty., Ga.*, 140 S. Ct. 1731, 1741 (2020).

S.B. 1100 inescapably imposes sex-based discrimination because it treats transgender people differently based on “sex,” regardless of how that term is defined, and that differential treatment inflicts injury by depriving them of access to facilities matching their gender identity. Indeed, the law’s exclusion of transgender people from such facilities cannot even be articulated without regard to “sex.” 33-6603 (prohibiting entry into covered facilities unless the person is of the designated “sex”); *cf. Grimm*, 972 F.3d at 608 (denying transgender student access to restroom based on “biological gender” was sex discrimination); *Whitaker*, 858 F.3d at 1051.

S.B. 1100 also discriminates based on sex stereotypes. “Discrimination because one fails to act in the way expected of a man or woman is forbidden,” including where transgender people are targeted for their nonconformity to expectations associated with their sex assigned at birth. *Schwenk v. Hartford*, 204 F.3d 1187, 1202 (9th Cir. 2000). A policy that bars transgender people from facilities matching their gender identity “is essentially the epitome of discrimination based on gender nonconformity.” *Evancho*, 237 F. Supp. 3d at 285; *Grimm*, 972 F.3d at 617 n.15 (restroom “policy punished [plaintiff] for not conforming to his sex-assigned-at-birth”).

B. Defendants Cannot Satisfy Their Heavy Burden to Show That S.B. 1100 is Adequately Tailored to Privacy and Safety Interests.

While S.B. 1100 tries to cloak its discrimination under the guise of protecting privacy and safety, there is no support for the baseless notion that transgender students pose a privacy or

safety risk to their cisgender peers. “Unsupported legislative conclusions as to whether particular policies will have societal effects” as to policies that “implicate constitutional rights [] have not been afforded deference by the Court.” *Latta*, 771 F.3d at 469. These justifications (1) fail as a matter of law under existing Ninth Circuit authority, and (2) fail as a matter of fact, given the demonstrated absence of actual harms, the availability of other tools to protect privacy or safety for everyone, and the ways in which the law actively undermines those interests.

Privacy. First, the Ninth Circuit has already considered similar privacy arguments as a justification for discrimination against transgender students and rejected them as a matter of law. In *Parents for Privacy v. Barr*, 949 F.3d 1210 (9th Cir. 2020), the Ninth Circuit considered whether cisgender students who object to sharing communal facilities with transgender students could state a claim for violation of a right to privacy. The answer: an unequivocal no. *Id.* at 1226. This is because nothing in “the contours of the privacy right” includes a right to banish transgender students from shared spaces.⁶ *Id.* at 1225. And in the context of addressing Title IX, the court held that “the mere presence of transgender students in locker and bathroom facilities” “cannot be enough” to constitute harassment. *Id.* at 1228-29. As reflected in its findings, S.B. 1100 is premised on the notion that cisgender students possess a “natural right to privacy” not to share space with transgender students using facilities matching their gender identity. 33-6601(2). This premise is incompatible with the reasoning and holding of *Parents for Privacy*.

To the extent that S.B. 1100’s privacy interest distills to a desire to shunt transgender

⁶ Many other courts have rejected similar privacy arguments as a basis to discriminate against transgender people in communal facilities. *Grimm*, 972 F.3d at 613-14; *Doe v. Boyertown Area School Dist.*, 897 F.3d 518, 530-31 (3d Cir. 2018); *Whitaker*, 858 F.3d at 1053; *Dodds*, 845 F.3d at 221-22; see also *Cruzan v. Special Sch. Dist.*, #1, 294 F.3d 981, 984 (8th Cir. 2002).

students to separate facilities because of private disapproval and discomfort—and the legislative record was rife with such sentiments—that only further confirms S.B. 1100 is unconstitutional. “[P]rivate disapproval is a categorically inadequate justification.” *Latta*, 771 F.3d at 471.

Second, S.B. 1100’s privacy justification is wholly unsupported as a matter of fact. As a threshold matter, it “ignores the reality of how a transgender child uses the bathroom: ‘by entering a stall and closing the door.’” *Grimm*, 972 F.3d at 613. Nothing about a transgender student’s ordinary use of school facilities, in the same ordinary way as every other student, infringes upon anyone else’s privacy rights. *See Parents for Privacy*, 949 F.3d at 1229 (“The use of facilities for their intended purpose, without more, does not constitute an act of harassment simply because a person is transgender.”); *see also Whitaker*, 858 F.3d at 1052.

Furthermore, as legislative proceedings revealed, and as Plaintiffs’ evidence confirms, there is no evidence of transgender students in Idaho engaging in behaviors that infringe upon the privacy of others, despite years of experience with inclusive policies in numerous schools. Ballis Decl. ¶¶ 30-32; Biblarz Decl. ¶ 7, Ex. 4. The experiences of school officials—who have first-hand experience with inclusive policies that have governed the welfare of thousands of students—reinforce that there is nothing mutually exclusive between privacy and equality. *See generally* Bruce Decl. (D.C. Public Schools); Jones Decl. (Atherton High School in Kentucky). That dovetails with the experiences of transgender youth like those in SAGA, who have used facilities matching their gender identity without incident. A.J. Decl. ¶ 8. Like other restroom policies discriminating against transgender students that courts have struck down, S.B. 1100’s appeal to privacy “is based on sheer conjecture and abstraction.” *Whitaker*, 858 F.3d at 1051; *Grimm*, 972 F.3d at 614; *infra* n.4. That is hardly an “exceedingly persuasive justification.”

S.B. 1100 also lacks the tailoring required under heightened scrutiny. *See Karnoski*, 926

F.3d at 1200 (less intrusive means can achieve a government interest); *Latta*, 771 F.3d at 472.

There are non-discriminatory measures available to increase privacy for *all* students, transgender or not, such as providing them with the option—but not the obligation—to utilize spaces offering even greater privacy if desired. The availability of those measures belies any claim that the categorical exclusion of transgender youth is rationally or substantially related to privacy.⁷ *Cf. Parents for Privacy*, 949 F.3d at 1225 (noting cisgender students’ purported privacy concerns were further addressed because policy “provide[ed] alternative options and privacy protections to those who do not want to share facilities with a transgender student”).

In truth, “the real privacy risk comes from forcing transgender students to reveal their identity to others, in contexts when it may not be safe for them to do so.” Ballis Decl. ¶ 30. If anything, protecting privacy is often of heightened importance to transgender students. As the Ninth Circuit observed, while “adolescence and the bodily and mental changes it brings can be difficult for students,” making exposure to others “a potential source of anxiety . . . this is *particularly* true for transgender students who experience gender dysphoria.” *Parents for Privacy*, 949 F.3d at 1217 (emphasis added). Transgender students are likely to be modest not only to avoid the risk of bullying and harassment, but also to avoid disclosure of physical features that likely exacerbate the painful experience of gender dysphoria. Budge Decl. ¶ 68. S.B. 1100 thus not only fails to advance privacy for cisgender students, but undermines privacy by “brand[ing] all transgender students with a scarlet ‘T.’” *Boyertown*, 897 F.3d at 530.

Safety. Nor are Defendants likely to show that S.B. 1100 substantially furthers any

⁷ Conversely, while S.B. 1100 takes a hard line against transgender people’s use of facilities matching their gender on the grounds that sharing space with the “opposite sex” supposedly causes grievous harm, it simultaneously exempts coaches who may want to give a halftime “pep talk” in a locker room—notwithstanding those purported privacy harms. Biblarz Decl. ¶ 13.

interest in safety. Again, the Legislature tellingly failed to identify any evidence to support its claim that inclusive policies cause “sexual assault, molestation, rape, voyeurism, and exhibitionism,” 33-6601, even though many Idaho schools have implemented such policies for years. *See Grimm*, 972 F.3d at 614 (noting that the “insubstantiality of the Board’s fears” have not been borne out in the experiences of the numerous schools in the state providing equal treatment). And again, it is transgender students, rather than their cisgender peers, who are at higher risk of harassment and violence as a result of discrimination. Ballis Decl. ¶ 27; Budge Decl. ¶¶ 46-47. Forcing transgender students to use facilities discordant with their gender identity can disclose to others that the student is transgender, increasing the likelihood of the transgender student becoming targeted for discrimination. Ballis Decl. ¶ 27; Budge Decl. ¶ 67. Under heightened scrutiny, the government must be able to “overcome the injury and indignity inflicted” on transgender people, which S.B. 1100 cannot conceivably do given the gravity of the harms at stake here. *Hecox*, 479 F. Supp. 3d at 976.

There is also no evidence that inclusive policies have led to cisgender students engaging in an elaborate charade of pretending to be transgender just to gain access to restrooms for the other sex—which, in any event, could not justify discriminating against transgender students. Ballis Decl. ¶ 31. To the extent that any student engages in misconduct, S.B. 1100 does nothing to further the ability of law enforcement to respond to it. School Resource Officers are already equipped with tools under school policies and the criminal code that actually deal with misconduct. *Id.* ¶ 28. S.B. 1100 adds nothing to them. *Id.* ¶ 29.

For all of these reasons, Defendants are unlikely to satisfy their burden under heightened scrutiny—but S.B. 1100 lacks even “a rational relation to some legitimate end,” because it *undermines* rather than advances its stated goals, as explained above. *Romer v. Evans*, 517 U.S.

620, 631 (1996). Such a measure cannot survive any level of review.

II. Plaintiffs Are Likely to Succeed on Their Title IX Claim.

For the same reasons that S.B. 1100 violates equal protection by discriminating against transgender people based on sex, it also violates Title IX’s bar against sex discrimination. 20 U.S.C. § 1681 (“No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”). As funding recipients, the Idaho Board of Education and Boise School District are bound by Title IX’s strictures. *Biblarz Decl.*, Ex. 9.

The Ninth Circuit has confirmed that *Bostock*’s holding—that discrimination against transgender people constitutes discrimination based on sex—applies equally to Title IX. *Grabowski v. Ariz. Bd. of Regents*, 69 F.4th 1100, 1116 (9th Cir. 2023). And a multitude of courts have recognized that excluding transgender people from facilities matching their gender identity violates Title IX.⁸ S.B. 1100 treats transgender students differently, and worse, than other students. *See Grimm*, 972 F.3d at 618 (explaining that discrimination under Title IX requires differential treatment and resulting injury). A transgender boy, for instance, is “treated worse than students with whom he [is] similarly situated because he alone [cannot] use the restroom corresponding with his gender.” *Id.* That treatment inflicts psychological distress and stigma, among other injuries. *Highland*, 208 F. Supp. 3d at 870-71. Title IX does not force transgender students to endure these harms as the price of public education.

⁸ *Infra* n.4; *Grimm*, 972 F.3d at 616; *Whitaker*, 858 F.3d at 1049-50; *Dodds*, 845 F.3d at 220-22; *Parents for Privacy v. Dallas Sch. Dist.*, 326 F. Supp. 3d 1075, 1106 (D. Or. 2018), *aff’d*, 949 F.3d 1210 (9th Cir. 2020). Notably, courts have also rejected the argument that the existence of a regulation merely allowing facilities to be sex-separated, 34 C.F.R. § 106.33, therefore means discrimination against transgender students is permissible—which would render Title IX’s protection against such discrimination meaningless. *See, e.g., Grimm*, 972 F.3d at 618.

III. Plaintiffs Are Likely to Succeed on Their Privacy Claim.

By excluding transgender people from facilities matching their gender identity, and consigning them to other facilities that can reveal their sex assigned at birth, S.B. 1100 recklessly exposes their transgender status to others in violation of their constitutional right to privacy.

“Ninth Circuit cases have uniformly recognized a constitutional right to informational privacy.” *Doe v. Cnty. of San Diego*, 576 F. Supp. 3d 721, 734 (S.D. Cal. 2021). Courts assessing such claims may consider factors such as the type of information at issue; the potential for harm in disclosure; the adequacy of safeguards to prevent disclosure; the need for access to the information; and whether public policy militates towards access. *Tucson Woman’s Clinic v. Eden*, 379 F.3d 531, 551 (9th Cir. 2004). Every factor weighs in favor of Plaintiffs here.

“The excruciatingly private and intimate nature of transsexualism, for persons who wish to preserve privacy in the matter, is really beyond debate.” *Powell v. Schriver*, 175 F.3d 107, 111 (2d Cir. 1999). Courts have thus held that government actions that can involuntarily disclose that status—such as saddling transgender people with identity documents reflecting their sex assigned at birth—violate transgender people’s constitutional right to privacy. *See, e.g., Ray v. McCloud*, 507 F. Supp. 3d 925, 931-32 (S.D. Ohio 2020); *Arroyo Gonzalez v. Rossello Nevaes*, 305 F. Supp. 3d 327, 333 (D.P.R. 2018); *Love v. Johnson*, 146 F. Supp. 3d 848, 856 (E.D. Mich. 2015). When a transgender girl is forced to use the boys’ restroom because that is the only facility she can reach in the five minutes between classes, or when she cannot go with her female friends into the girls’ restroom, the government has similarly jeopardized the disclosure of her transgender status. *See* Budge Decl. ¶¶ 61-64; Rebecca Decl. ¶ 16.

The potential for harm from disclosure can be catastrophic. The disclosure of one’s transgender status, particularly in circumstances where one would otherwise keep that

information private, can provoke intense “hostility and intolerance from others.” *Powell*, 175 F.3d at 111. As this Court has observed, a “mismatch” between a transgender person’s outward expression of their gender identity and information reflecting their sex assigned at birth can incite harassment or even physical assault. *F.V.*, 286 F. Supp. 3d at 1137. And once other students learn of the fact that a student is transgender, there are no safeguards to prevent those third parties from disclosing that information to others. S.B. 1100 thus deprives transgender students of control over the circumstances in which personal matters are disseminated, which is an essential aspect of privacy. *See Ostergren v. Cuccinelli*, 615 F.3d 263, 283 (4th Cir. 2010).

There is also no public policy or need served by the gratuitous disclosure of students’ transgender status to others. Cisgender students do not benefit from the disruption created by S.B. 1100, in which transgender girls are shunted into boys’ restrooms, and transgender boys are shunted into girls’ restrooms, and their transgender status is thereby involuntarily disclosed. There is no justification for the privacy violations that S.B. 1100 needlessly inflicts.

IV. The Irreparable Harm Faced by Transgender People, Balance of Hardships, and Public Interest All Weigh in Favor of a Preliminary Injunction.

All the remaining preliminary injunction factors also strongly support granting relief.

Irreparable Harm. S.B. 1100 will inflict severe and irreparable harm on transgender people. To begin, violation of a constitutional right is *per se* irreparable harm. *See Planned Parenthood Arizona, Inc. v. Humble*, 753 F.3d 905, 911 (9th Cir. 2014). But that is just the beginning. Implementing S.B. 1100 will subject transgender youth to profound stigma during pivotal periods of development; increase their risk of depression, anxiety, and self-harm; interfere with treatment for gender dysphoria; and cause irreversible privacy violations that expose them to danger. Budge Decl. ¶¶ 53-64. And avoiding school facilities entirely as a result of S.B. 1100 causes physical pain and discomfort, impairing students’ focus and academic

performance. *Id.* ¶ 66. Courts have recognized these irreparable harms in affirming preliminary injunctions in similar contexts. *See, e.g., Whitaker*, 858 F.3d at 1055; *Dodds*, 845 F.3d at 222.

Balance of Hardships. The balance of harms also weighs strongly in favor of granting a preliminary injunction. Allowing transgender students to use the facilities that align with their gender identity will not impair the privacy or safety of any other student, as explained above. The government also cannot credibly argue that a pause in any implementation of S.B. 1100 will somehow change the balance here. Numerous Idaho schools have had inclusive policies since 2015—but the Legislature did not pass S.B. 1100 until 2023. That alone belies any claim of urgency. Preliminarily enjoining S.B. 1100 pending final resolution of this litigation will only protect transgender students, while doing nothing to harm anyone else in the interim.

Public Interest. Finally, a preliminary injunction serves the public interest. “It is always in the public interest to prevent the violation of a party’s constitutional rights.” *Cal. Chamber of Commerce v. Council for Educ. and Rsch. on Toxics*, 29 F.4th 468, 482 (9th Cir. 2022) (cleaned up). The government “cannot suffer harm from an injunction that merely ends an unlawful practice,” or that prevents its start. *See Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). And “promoting compliance with Title IX is an important societal value.” *Ollier v. Sweetwater Union High Sch. Dist.*, 858 F. Supp. 2d 1093, 1115 (S.D. Cal. 2012).

CONCLUSION

S.B. 1100 is only the most recent confirmation that the “history of prosecution and discrimination” faced by transgender people “is not yet history.” *F.V.*, 286 F. Supp. 3d at 1144 (quotes omitted). As the guardian charged with protecting vulnerable minorities, this Court has the authority and responsibility to prevent the harm that S.B. 1100 threatens to unleash on youth.

Dated: July 6, 2023

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

DECLARATION OF REBECCA ROE

I, Rebecca Roe, hereby declare as follows:

1. I am a Plaintiff in this action and using a pseudonym (Rebecca Roe) here. I offer this declaration in support of Plaintiffs' motion for preliminary injunction. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to

those facts if called as a witness.

2. I am a 12-year-old girl, and I live in Idaho. I have attended school within the Independent School District of Boise City #1 (“Boise School District”) since I was in kindergarten. I will be in the seventh grade during the 2023-24 academic year at a junior high school within Boise School District.

3. I enjoy playing video games, hanging out with friends at the mall, watching anime shows, and doodling artwork. I also take *kung fu* lessons, both for physical exercise and potential self-defense.

4. Although I am now thriving as a transgender girl, my mental health suffered in the past before I came to better understand my gender identity and received the support that I needed.

5. During the summer after fourth grade, the issue of my gender arose while I was talking with my parents about pride month for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people. In the course of that conversation, I told my parents that I did not believe I was a boy.

6. In fifth grade, older students would sometimes pick on me, such as when they saw me by myself during recess. Overall, I struggled socially at school during the year, even though I also had a tight circle of friends.

7. My parents began taking me to see a therapist to make sure I received the mental health support I needed. During my therapy sessions, I expressed that I did not feel like a boy, consistent with what I had conveyed to my parents during the summer after fourth grade. The therapist also spoke with me about any distress that I felt around issues related to gender.

8. My gender identity is female. I have never felt typically masculine like others

assigned male at birth. When I would look at my male friends, I would think to myself, “I don’t feel like this.” When I would look at my female friends, however, I would think to myself, “I feel more like that.”

9. After discussions between my therapist, my parents, and me, we agreed that I should try “being myself” for spring break in 2021, when I was not attending school, and to express my gender in the way that felt most comfortable to me. I went shopping and chose girls’ clothes for myself. In contrast to the distress that I felt as a result of gender dysphoria, I felt joy and relief when my gender expression matched my gender identity. That is how I feel when I look in the mirror and see my authentic self, myself as a girl, staring back at me.

10. Following this experience, and particularly after the end of fifth grade, I continued the process of social transition to live in a manner consistent with my gender identity. For example, I began to use a more typically feminine name and asked others to use that name, dressed in clothes typically worn by girls, adopted a more typically feminine hairstyle, and started using female pronouns.

11. My friends accepted and supported me as I undertook the process of social transition. They respected my name and pronouns. School staff respected my name, which was updated in the school information system, and pronouns too. Overall, my experience in sixth grade was significantly better than my experience in fifth grade because I was able to live in a manner consistent with my gender identity in several respects and was generally treated by my peers like any other girl.

12. After I began my social transition, I also began using the women’s restroom outside of school without incident. Like other girls, I would enter the women’s restroom, go into a stall and close the door behind me, use the toilet, and then wash my hands and leave. It was a

routine practice that did not cause any problems for anyone, including others using the restroom at the same time as me. Living in a manner consistent with my gender identity, including having access to the girls' restroom, is an important aspect of the treatment for my gender dysphoria.

13. I have not used a men's restroom, whether at school or outside of school, since fifth grade. Using the men's restrooms would feel wrong to me because I am a girl. Also, when I am in public, I am generally perceived by others as a girl. Thus, if I were to use the restroom designated for men, it would appear to others that a girl was using the men's restroom, something far more disruptive to social expectations than my use of the women's restroom.

14. During sixth grade, I generally avoided using the restroom at school. Prior to the start of the school year, the initial plan was that I would use the nurse's restroom rather than the boys' restroom. However, I ultimately did not feel comfortable using the nurse's restroom, because it felt stigmatizing and isolating to use in comparison to the other girls at my school, who were not limited to using only that single-stall facility. It was also in a less accessible location than the restrooms used by my female classmates.

15. As a result, I generally avoided using the restroom at school. I limited my fluid intake and would "hold it" at school to avoid using the restroom. These measures were not only unhealthy but they were increasingly difficult to endure as the school day progressed. They also created a physical and mental distraction while I was in class, as I spent time thinking to myself that I was "almost there" as I waited for the school day to finally end just so that I could use the restroom at home.

16. I will be attending a new school starting in seventh grade, alongside new classmates, and would like to fit in with my female classmates. The idea of my exclusion from facilities designated for girls is painful and stressful and makes me feel unequal to other girls. It

makes me feel like an outsider. If I am only allowed to use either the boys' restroom or a single-stall restroom, I am afraid that any of my classmates at my new school could find out that I am transgender, and I want to have control over my private information. My new school is also farther from home, making it even more difficult and unhealthy for me to delay using the restroom until the end of the day. Particularly at this point in my transition, I wish to use the girls' restroom when I am outside the home, including at school. I am a girl and I just want to be treated like any other girl.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2 day of July, 2023.

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

DECLARATION OF RACHEL ROE

I, Rachel Roe, hereby declare as follows:

1. I am the mother of Plaintiff Rebecca Roe. My daughter (Rebecca), my husband (Ryan), and I are using pseudonyms. I offer this declaration in support of Plaintiffs' motion for preliminary injunction. I have personal knowledge of the facts set forth in this declaration and

could and would testify competently to those facts if called as a witness.

2. My husband Ryan and I live in Idaho, and we are the parents of Rebecca Roe, a 12-year-old girl who will be in the seventh grade during the 2023-24 academic year at a junior high school within the Independent School District of Boise City #1 (“Boise School District”).

3. Rebecca is transgender. When Rebecca was born, she was designated as male but her gender identity is female.

4. Although Rebecca is now thriving as a transgender girl, her mental health suffered in the past before she came to better understand her gender identity and received the support that she needed. My husband Ryan and I became concerned about Rebecca’s mental well-being around the time she was in fourth grade. She exhibited signs of depression and seemed generally “checked out.” She also began falling behind in coursework even though she otherwise generally excels academically.

5. During the summer after fourth grade, the issue of Rebecca’s gender arose in the context of a conversation with us regarding pride month for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people. Ryan and I wanted to reassure her that we would still love her no matter who she was. In the course of that conversation, Rebecca expressed to us that she did not believe that she was a boy. We were unsure of what to make of this information at the time.

6. Overall, Rebecca struggled socially at school during fifth grade, even though she also had a tight circle of friends.

7. Motivated by concerns about Rebecca’s well-being, Ryan and I began taking Rebecca to see a therapist to ensure that she received the mental health support she needed.

8. After discussions with Rebecca, her therapist, Ryan, and me, we decided to give Rebecca the opportunity to “be herself” for spring break in 2021, when Rebecca was not

attending school, and to express her gender in the way that felt most comfortable to her. For instance, Rebecca went shopping and chose girls' clothes for herself. As a result, I noticed improvements in her mental health and that she seemed to be more confident in herself.

9. Following this experience, and particularly after the end of fifth grade, Rebecca continued the process of social transition to live in a manner consistent with her gender identity. For example, she began to use a more typically feminine name rather than a typically masculine name and asked others to use her new, female name; she dressed in clothes typically worn by girls; she adopted a more feminine hairstyle; and she started using female pronouns.

10. After Rebecca began her social transition, she also began using restrooms designated for females outside of school without incident. Living in a manner consistent with her gender identity, including having access to the girls' restroom, is an important aspect of the treatment for Rebecca's gender dysphoria.

11. Rebecca has not used a restroom designated for males, whether at school or outside of school, since fifth grade. When Rebecca is in public, she is generally perceived by others as female. Thus, if she were to use the restroom designated for males, it would appear to others that a girl was using the men's restroom, something far more disruptive to social expectations than her use of the women's restroom.

12. As part of treatment for her gender dysphoria, Rebecca also receives puberty-delaying medication, which allows transgender adolescents to avoid physical changes associated with their endogenous puberty, and can be followed by gender-affirming hormone therapy where medically appropriate, which facilitates even greater alignment between one's gender identity and body. Living in a manner consistent with her gender identity, including having access to the girls' restroom, is an important aspect of the treatment for Rebecca's gender dysphoria.

13. My husband and I have significant concerns and worry about Rebecca's physical safety, mental health, and her general well-being if she were excluded from girls' facilities. As parents who love their child and want to see her thrive, we agonize that Rebecca's use of the boys' restroom, which may be unavoidable at times if she is excluded from the girls' facilities, would expose her transgender status in situations where it would otherwise remain private and leave her vulnerable to violence and targeting by other students.

14. Idaho is our home. Our daughter grew up here and has been thriving in this community. To protect and encourage her growth, my husband and I want a safe and respectful learning environment for our daughter just like any other parents.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2 day of July 2023.

Rachel Roe
Rachel Roe

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v.

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Defendants.

Case No. 1:23-cv-315

**DECLARATION OF A.J.,
PRESIDENT OF PLAINTIFF SAGA**

I, A.J., hereby declare as follows:

1. I have lived in Idaho my whole life and have lived in Boise since ninth grade. I enjoy robotics and participate in robotics competitions, I play multiple musical instruments, and I like to draw.

2. I am a student at Boise High School in Boise, Idaho, and I am the current President and a member of Plaintiff Sexuality and Gender Alliance (SAGA), a student organization for high school students at Boise High. SAGA and its activities are led by students. One of SAGA's goals is to ensure that LGBTQ+ students are safe and welcome at school. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts if called as a witness.

3. Based on my leadership role within SAGA and the support we provide, I am aware that some SAGA members will be harmed by S.B. 1100. For example, consistent with school policies pre-dating S.B. 1100, there are students who wish to use multi-occupancy restrooms and facilities on school grounds, including during the 2023-24 school year, consistent with their gender identity, and inconsistent with their sex assigned at birth.

4. Any transgender SAGA member who is prohibited from using facilities consistent with their gender identity under S.B. 1100 will be harmed by being treated differently than their peers who can use facilities consistent with their gender identity. They will have to choose between using facilities inconsistent with their identity, causing distress and potential harassment, or avoiding facilities use, causing discomfort and potential health issues. Some members will face the risk of being outed as transgender under S.B. 1100 by having to change their established restroom use or by being forced to use restrooms inconsistent with their identities (including the names and pronouns they use in the school community). This includes being outed in situations where someone would not otherwise disclose their transgender status, e.g., to people they don't know in the restroom, even if they may be out about being transgender in other ways.

5. S.B. 1100 goes directly against everything that SAGA stands for, which is about supporting all members of the LGBTQ+ community and ensuring that school is a safe and welcoming environment for them. If S.B. 1100 remains in effect, SAGA will also have to spend additional time supporting students that have lost restroom access and advocating for more gender-neutral restroom options for students so they can make it through their school day. Because SAGA does not have the capacity to handle multiple projects at a time, this would interfere with its ability to perform other mission-driven student services, such as the clothing drive they have done in the past and would like to do again this year.

6. I am one of the SAGA members who will be affected by SB 1100. I am a transgender male who was assigned as female at birth. I came out to my friends as a transgender male in ninth grade and came out to more people in my life during tenth grade, including my family. As I came out to more people at school as male, it became increasingly uncomfortable to use female-designated facilities and I avoided it whenever possible.

7. In the summer between tenth and eleventh grade, I reached out to my school counselor to ask whether we could create a gender support plan. With the help of my counselor and the support of my parents, we drafted a plan that clarified the use of my new name, pronouns, and facilities on campus. It confirmed that I should use male-designated facilities where they are separated by sex. A true and correct copy of the Gender Support Plan form used by my school is attached as **Exhibit A**.

8. Starting in eleventh grade, once my gender support plan was in place, I have used the restroom designated for boys when I use multi-occupancy restrooms on campus. I have not encountered any problems or issues from other students when I have used the restroom.

9. There is only one single-user restroom that students can use on my school campus and it is not always available. Sometimes other students are using the bathroom, and sometimes it is closed for use altogether. It is in a separate building and farther from most of my classes than the multi-occupancy restrooms.

10. The thought of having to use the girls' bathroom makes me feel ill. The past school year, since coming out fully at school, has been the happiest I've been in my entire life. I remember the painful and exhausting feeling of having to use the girls' restroom at the end of tenth grade, after I had started coming out to more peers as male but before my gender support plan was in place. Each time, it brought up the awful feelings I had while I was still in the closet. I know that being forced back into that circumstance, with students who know me and interact with me as a male student, would be even worse now.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 2 day of July, 2023.



A.J.

Exhibit A



Gender Support Plan

Student's Preferred Name: _____ Legal Name: _____
Student's Gender: _____ Assigned Sex at Birth: _____ Grade Level: _____
Date of Birth: _____ Parent(s)/Guardian(s): _____

PARENT/GUARDIAN INVOLVEMENT

Is guardian(s) of the student aware of their student's wish to implement a gender support plan?
Is guardian(s) of the student supportive of their student's wish to implement a gender support plan?

STUDENT SAFETY

Who will be the student's "go to adult" on campus?
Does the student feel regular one-on-one check-in's are necessary? If so, who will provide this support?
If this person is not available, what should the student do?
What are the expectations in the event the student is feeling unsafe and how will the student signal need for help?

NAME & STUDENT RECORDS

Name/gender marker currently in the Student Information System:
Name to be used when referring to the student _____ Pronouns _____
What name and gender marker does the student and parent want reflected in the Student Information System?
Can preferred pronouns be noted on the Student Information System?
Does the student want their email and login updated?
Name on high school diploma _____

Please note: *When you apply for college, most colleges and universities currently require legal names on transcripts and applications so that they can match the application and transcript to the FAFSA. The FAFSA application requires students to enter both their legal names and social security numbers, and they must match. If you have decided to change the name on your school records but have not legally changed your name, you will need to either request that your name be changed back to your legal name on your school records before your transcripts are sent to the colleges to which you apply or contact those colleges and universities to let them know that your transcript, application and FAFSA will not match.*

USE OF FACILITIES

Student will use the following restroom(s) on campus:
Student will use the following locker room on campus:

DISTRICT PROGRAMS AND EXTRACURRICULAR ACTIVITIES

In what other district programs (i.e. GATE, TVMSC, Pro-Tech, etc.) and/or extracurricular activities will the student be participating in?

OTHER CONSIDERATIONS

Does the student have any siblings at school?

Are there any specific dynamics with other students, families or staff members that need to be discussed or accounted for?

Other considerations or concerns or issues:

CONFIDENTIALITY, PRIVACY AND DISCLOSURE

How public or private will information about this student's gender be (check all that apply)?

- Site level leadership/administration will know (specify staff members):
- Teachers and/or other school staff will know (specify staff members):
- District level AO staff will be made aware of name change or preferred name in order to connect student to State AO funds as the State requires students' legal names.
- Student will not be openly "out", but some students are aware of the student's gender
Specify the students: _____
- Student is open with others (adults and peers) about gender
- Student would like this plan to be transferred to current programs and/or next school of attendance, enabling those working with the student to use the appropriate name and/or pronoun.
(If student is a minor, parent must initial here and sign below to release this document to current programs and/or future schools.)
- Student or parent initials indicate permission to share with future schools as well as the following programs beyond home school staff (i.e. pro tech, special education, other specialists, etc...):

Other: _____

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

Staff Signature _____ Date _____

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**UNITED STATES DISTRICT COURT
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REBECCA ROE, et al.,

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v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

**EXPERT DECLARATION OF
STEPHANIE L. BUDGE, PH.D.**

EXPERT DECLARATION OF STEPHANIE L. BUDGE, PH.D.

I, Dr. Stephanie L. Budge, Ph.D., hereby declare as follows:

1. I submit this expert declaration based on my personal knowledge.

2. I am a licensed psychologist specializing for over 15 years in issues of gender identity and gender transition and, in particular, the mental health of transgender individuals and the treatment of gender dysphoria. I am an associate professor in counseling psychology at the University of Wisconsin-Madison.

3. I have been retained by counsel for the Plaintiffs in the above-captioned matter to provide expert opinions about: (a) the psychological understanding of gender identity, (b) gender dysphoria and its treatment, including social transition, (c) the importance of access to sex-separated facilities as a part of social transition, (d) the harms caused by excluding transgender students from using sex-separated facilities that are aligned with their gender identity, and (e) misinformation about transgender individuals' use of restrooms consistent with their gender identity.

I. QUALIFICATIONS

4. The information provided regarding my professional background, experiences, publications, and presentations are detailed in my curriculum vitae. An accurate and true copy is attached as Exhibit A to this declaration.

5. I received a master's degree in educational psychology from the University of Texas at Austin in 2006 and a Ph.D. in counseling psychology in 2011 from the University of Wisconsin-Madison. My Ph.D. concentration specifically focused on transgender individuals' mental health. I also specialized in psychological assessment as part of my Ph.D. degree program.

6. I have been a mental health professional since 2006, and I am currently licensed to practice psychology in the state of Wisconsin (license # 3244-57). I have been a faculty member in counseling psychology at the University of Wisconsin-Madison since 2014.

7. I have extensive expertise working with transgender people, those whose gender assigned at birth is different from their gender identity. I have been a mental health provider to transgender individuals since 2007. Transgender individuals have comprised the majority of my clinical caseload since 2011, and I have worked clinically with approximately 200 transgender patients through the provision of individual therapy, group therapy, psychological evaluations, and supervision of others' clinical work. A significant portion of my clinical work has focused on adolescents and young adults. For example, I held an appointment as a clinical health psychologist at UW Health Pediatric and Adolescent Transgender Health ("PATH") clinic, where I conducted clinical assessments with transgender adolescents ages 13-18. I have also facilitated clinical support groups for transgender adolescents ages 14-18 at the Counseling Psychology Training Clinic ("CPTC") at the University of Wisconsin-Madison, and I provided psychotherapy to transgender adolescents when I had a private practice.

8. As a faculty member at UW-Madison, I teach courses that focus on training master's and doctoral students to become mental health professionals and psychological researchers. I provide pro bono clinical services and train student therapists in best practices in clinical work with transgender patients at the Counseling Psychology Training Clinic, the community clinic affiliated with my academic department at UW-Madison.

9. As part of my faculty appointment, I am the Director of the Transgender Counseling Advocacy Research and Education ("CARE") Collaborative. In this role, I design research projects that focus on the mental health needs of transgender individuals. One of the current research projects is an open clinical trial focusing on the effectiveness of psychotherapy for transgender individuals. As part of this clinical trial, we have trained over 100 mental health providers on how to reduce distress that is experienced from discrimination by other individuals

or entities, and 49 patients have been enrolled in and received psychotherapy as part of the trial. While some of the research we conduct is with adults, we engage in a large body of research that focuses on transgender adolescents. Specifically, we have recently conducted and presented analyses from the Trans Teen and Family Narratives project, and we finalized publishing our sixth and final article from the longitudinal Transgender Youth and Families Study in 2022.

10. I am the Director of the Advancing Health Equity and Diversity (AHEAD) program in the School of Medicine and Public Health at UW-Madison. In this role, I mentor postdoctoral scholars and junior faculty in the School of Medicine and Public Health who focus their clinical and research efforts on health equity issues.

11. I have published 99 invited and peer-reviewed journal articles and book chapters, with the majority of these focusing on transgender individuals. Notably, several of these publications are focused on the impact of discrimination on transgender youth and adults' mental health and effective interventions to improve transgender youth and adults' mental health. I have been involved in more than 200 academic presentations (internationally, nationally, and regionally). The majority of these presentations have been focused on transgender individuals, with a significant proportion focusing on transgender adolescents under the age of 18.

12. I am an associate editor for the journal *Psychology of Sexual Orientation and Gender Diversity*. I am on the editorial board for the *International Journal of Transgender Health* as well as *LGBTQ+ Family: An International Journal*. Researchers in the United States and internationally regularly seek my assistance as an expert reviewer for research focused on transgender individuals.

13. I have received several awards for my work in the science and clinical practice of working with transgender individuals. Recently, I received the 2021 American Psychological

Association Distinguished Contribution to Counseling Psychology Award for my clinical work and research with transgender people. I also received the 2021 American Psychological Association Social Justice Award for my contributions to psychotherapeutic practice with transgender people. I was the first recipient of the American Psychological Association Transgender Research Award in 2010. Locally, I am also a member of the Wisconsin Transgender Health Coalition (“WTHC”), an organization focused on improving health care for transgender individuals throughout Wisconsin. My primary role on the coalition is to consult on research projects and collect data about transgender individuals in the upper Midwest in order to tailor health care interventions for local community members. For my community-focused research, I received the UW-Madison School of Education 2018 Community Engaged Scholar Award, the 2021 UW-Madison Exceptional Service Award, and the 2022 UW-Madison School of Education Excellence in Diversity Award.

14. I am a member of the Society for the Psychology of Sexual Orientation and Gender Diversity within the American Psychological Association (“APA”), of which I am also a member. In August 2021, I completed a 10-year term as co-chair of the Science Committee for the Society. We provide programming at the APA annual convention to disseminate cutting edge research on the best psychological practices and evidence-based treatments with lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) individuals. At the 2022 APA annual convention, I chaired or participated in six presentations and panels that focused on best practices in psychological science regarding transgender populations and interventions to reduce psychological distress for transgender individuals. In 2021, I became a Fellow of the American Psychological Association.

15. In addition, I am a member of the World Professional Association of Transgender Health (“WPATH”). WPATH is an interdisciplinary professional organization of individuals worldwide specializing in research and practice in transgender health. WPATH publishes the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People, which are widely accepted by health care practitioners across disciplines who provide care to transgender individuals.

16. I am being compensated at an hourly rate of \$250/hour for actual time devoted for research, preparation, reports, and / or consulting related to my expert opinion in this case. If deposed or providing testimony, I will be compensated at a rate of \$400/hour. I also receive \$3,000 a day for compensation when travel is required for my services. My compensation does not depend on the outcome of this litigation, the opinions I express, or the testimony I provide.

17. In the previous four years, I have testified as an expert at trial or by deposition in *Boyden v. Conlin*, 341 F. Supp. 3d 979 (W.D. Wis. 2018) and *Cooper v. USA Powerlifting & USA Powerlifting*, Minnesota Case No. 62-CV-21-211.

18. In preparing this expert declaration, I reviewed the text of Idaho Senate Bill 1100 at issue in this matter. My opinions are based on my education; my clinical experience; research findings from my own scholarship; my review of the seminal and most influential psychological and public health research on transgender individuals, including the most current research, published as recently as this year. Attached as Exhibit B is a bibliography of the relevant and pertinent medical and scientific literature relating to the opinions expressed in this expert declaration. The materials I have relied upon in preparing this expert declaration are the same types of materials that experts in my field of study regularly rely upon when forming opinions on

these subjects. I reserve the right to supplement these opinions based on subsequent developments in my field and/or factual developments in this litigation.

II. BACKGROUND INFORMATION ON GENDER IDENTITY AND GENDER DYSPHORIA

19. The term “gender identity” is a well-established concept in psychology and medicine, referring to a person’s internal or psychological sense of having a particular gender. All human beings have a gender identity. People usually begin to explore and understand their gender identity around the age of three (with some variation), although some transgender individuals may not begin to recognize or express their gender identity until later in life.

20. Neuroimaging data demonstrate strong evidence to indicate biological factors related to transgender identity (*see* Sanchez & Pankey, 2017 for a review; Spizzirri et al., 2018). Given the multifaceted nature of sex as described above, neuroimaging can capture a multitude of components that reflect the complexity of sex (referred to as the brain mosaic by neuroscience researchers, *see* Rouse & Hamilton, 2021). Neuroscience research conducted with transgender people reflects the complexity of sex and has become more specific over the years. There is not one particular component in the brain that is indicative of sex, and the studies over the years reflect the complexity of how researchers are measuring components of sex. For example, transgender women’s hypothalamus responded similarly to cisgender women’s hypothalamus when encountering pheromones (Berglund et al., 2008) and transgender women demonstrated similar cognitive responses in their parietal lobe to cisgender women when manipulating certain 2D and 3D images (Carillo et al., 2010). In addition, research indicates adolescent trans boys demonstrated alignment with cisgender boys in their sensorimotor network; similar findings were noted for adolescent trans girls when compared to cisgender girls (Nota et al., 2017).

21. At birth, the sex of infants is typically assigned as male or female based on external genitalia. Typically, individuals born with the external physical characteristics commonly associated with males identify as men and experience themselves as male, and individuals born with the external physical characteristics commonly associated with females identify as women and experience themselves as female. However, for transgender individuals this is not the case. For transgender individuals, their internal sense of their gender—that is, their gender identity—differs from the sex they were assigned at birth.

22. Every individual's sex is multifaceted and composed of many distinct biologically influenced characteristics, including, but not limited to, chromosomal makeup, hormones, internal and external reproductive organs, secondary sex characteristics, and gender identity. Where there is a divergence between these characteristics, gender identity is the most important and determinative factor.

23. Unlike cisgender children and adolescents, transgender children and adolescents experience a pervasive, consistent, persistent, and insistent sense of being a gender different from the sex assigned to them (*e.g.*, Olson et al., 2015; Rafferty et al., 2018).

24. For many people who experience incongruence between their gender identity and their sex assigned at birth, the incongruence can cause serious emotional distress.

25. Gender dysphoria, codified in the American Psychiatric Association's (2022) Diagnostic and Statistical Manual of Mental Disorders Fifth Edition Text Revision ("DSM-5-TR"), is the psychiatric diagnosis for the distress associated with gender incongruence. Individuals who are diagnosed with gender dysphoria can experience a number of different symptoms. When individuals with distress related to gender incongruence do not obtain

competent and necessary treatment, serious and debilitating psychological distress (for example, suicidal ideation, substance use, depression, anxiety, and self-harm) often occurs.

26. Under the DSM-5-TR, there are two criteria used for diagnosing gender dysphoria in adults and adolescents (302.85), Criteria A and B. The symptoms under Criterion A for identifying gender dysphoria include a marked incongruence between one's experienced/expressed gender and one's assigned gender, of at least 6 months' duration, as manifested by at least two of the following:

- (1) A marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics (or in young adolescents, the anticipated secondary sex characteristics);
- (2) A strong desire to be rid of one's primary and/or secondary sex characteristics because of a marked incongruence with one's experienced/expressed gender (or in young adolescents, a desire to prevent the development of the anticipated secondary sex characteristics);
- (3) A strong desire for the primary and/or secondary sex characteristics of the other gender;
- (4) A strong desire to be of the other gender (or some alternative gender different from one's assigned gender);
- (5) A strong desire to be treated socially as the other gender (or some alternative gender different from one's assigned gender); and
- (6) A strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one's assigned gender).

27. According to the DSM-5-TR Criterion B, a diagnosis of gender dysphoria also requires a finding of clinically significant distress or impairment in social, occupational, educational, or other important areas of functioning.

28. The diagnostic criteria for gender dysphoria in pre-pubertal children have some similarities with the criteria for adolescents and adults. Criterion A is mostly the same, but children must have six symptoms rather than two. Gender dysphoria symptoms for children include the following:

- (1) A strong desire to be of the other gender or an insistence that one is the other gender (or some alternative gender different from one's assigned gender);
- (2) In children who were assigned a male sex at birth, a strong preference for cross-dressing or simulating female attire; or for children assigned a female sex at birth, a strong preference for wearing only typical masculine clothing and a strong resistance to the wearing of typical feminine clothing;
- (3) A strong preference for cross-gender roles in make-believe play or fantasy play;
- (4) A strong preference for the toys, games, or activities stereotypically used or engaged in by the other gender;
- (5) A strong preference for playmates of the other gender;
- (6) In children who were assigned a male sex at birth, a strong rejection of typically masculine toys, games, and activities and a strong avoidance of rough-and-tumble play; or in children who were assigned a female sex at birth, a strong rejection of typically feminine toys, games, and activities;
- (7) A strong dislike of one's sexual anatomy; and
- (8) A strong desire for the primary and/or secondary sex characteristics that match

one's experienced gender. Primary sex characteristics are present from birth, such as genitals and reproductive organs. Secondary sex characteristics develop at puberty, for example breast size, facial hair, and vocal quality.

Criterion B for children is similar to Criterion B for adolescents and adults, listed above, with more of an emphasis on school.

29. To receive a diagnosis of gender dysphoria, a licensed medical or mental health provider will conduct an intake and health history of a patient and will ask questions that focus on the diagnostic criteria for gender dysphoria. The diagnosis is most often provided based on a diagnostic interview where a highly trained clinician asks questions derived from a diagnostic manual, and, if a minor, with the patient's parents present; some providers may also use psychological assessment tools that focus on gender dysphoria.

30. The World Professional Association for Transgender Health ("WPATH") publishes the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People ("SOC"; Coleman et al., 2022), which are widely accepted protocols for the treatment of gender dysphoria. These standards are developed by the foremost experts in the field of transgender health based on systematic review of the evidence-based research on transgender health.

31. WPATH has published several iterations of the SOC since 1979. The eighth and most current version of the SOC was published in 2023. Every major medical and mental health organization within the United States that has taken a position on gender-affirming care (including, for example, the American Psychological Association, the American Psychiatric Association, the American Academy of Pediatrics, the American Counseling Association, and the American Medical Association) agrees with WPATH and the Endocrine Society that, when

clinically indicated, puberty-delaying medication and gender-affirming hormones are appropriate and medically necessary treatments for adolescents.

32. According to the SOC, providers working with adolescents or children presenting with gender dysphoria should have: a) at least a master's degree or its equivalent in a clinical behavioral science field, b) competence using the DSM-5-TR or the International Classification of Diseases (ICD), c) the ability to recognize and diagnose coexisting mental health concerns and to distinguish these from gender dysphoria, d) documented supervised training and competence in psychotherapy or counseling, e) knowledge about gender non-conforming identities and expressions, and the assessment and treatment of gender dysphoria, and f) regular continuing education in the assessment and treatment of gender dysphoria. In addition to these components, it is necessary for providers to have specialized training in child and adolescent development, with a specific emphasis on assessment and diagnosis/psychopathology for children and adolescents.

33. Under the WPATH SOC, treatment of gender dysphoria often includes social transition. Social transition refers to living in the world in a manner consistent with the individual's gender identity. The WPATH SOC also provide that for some adolescents and adults, medical interventions to align the individual's body with their gender identity may be indicated. Treatment is individualized based on the needs of the patient and the patient's age.

34. For transgender people, social transition can be an important aspect of treatment to reduce the symptoms of gender dysphoria. As part of a social transition, an individual will typically, among other things, use a name and pronouns congruent with their gender identity, dress and groom in a manner typically associated with their gender identity and use sex-designated facilities such as restrooms that align with their gender identity. To be clinically

effective at alleviating the distress associated with gender dysphoria, a social transition must be respected consistently across all aspects of a transgender individual's life—for example, at home, in school, and at work.

35. Most transgender adolescents will undergo some type of social transition. Youth who do not move forward with a social transition are often barred from doing so due to external factors, such as unsupportive caregivers or lack of safety (*see* Ehrensaft et al., 2018). Current evidence-based treatment protocols indicate that when a transgender adolescent socially transitions, mental health and medical providers and social supports should affirm the adolescent's gender identity to ensure that their gender identity is part of their lived experience in all aspects of their lives. It is the aim of treatment to assist the children and adolescents in successfully integrating their internal identity into a life that allows them to function consistently in accordance with that identity and not feel shame for who they are. For those transgender adolescents for whom social transition is part of their treatment of gender dysphoria, it is likely that serious distress will result if clinically indicated aspects of transition are impeded. Under the SOC, there are no medical interventions indicated for pre-pubertal children. For transgender adolescents, hormone therapy may be prescribed—either puberty-delaying hormones designed to delay the onset of physical changes associated with puberty and/or hormones designed to masculinize or feminize the individual's appearance. According to the SOC, gender-affirming surgeries may be advised for some older adolescents, depending on a number of factors. While surgeries are generally not performed until after the adolescent has reached the age of majority, there may be some factors that clinically indicate the need for surgery prior to the age of majority (*see* Grimstad et al., 2021). Whether any of these medical interventions are indicated for a patient depends on the needs of the individual patient. And both the SOC and the Endocrine

Society guideline, Endocrine Treatment of Gender Dysphoric/Gender Incongruent Persons: An Endocrine Society Clinical Practice Guideline, advise that informed consent and a rigorous psychological assessment occur before initiating any medical interventions to treat adolescents with gender dysphoria.

36. Transgender boys treated with hormone therapy may appear indistinguishable from cisgender boys at school, and transgender girls treated with hormone therapy may appear indistinguishable from cisgender girls. Transgender boys who are prescribed puberty blockers will not develop breasts or the muscle and fat distribution experienced by girls during puberty, and if that is followed by testosterone, they typically will, among other changes, have a chest, muscle/fat distribution, facial and body hair, skin changes that may increase acne, and deepened voice typical of other boys. Transgender girls who are prescribed puberty blockers will not develop the deepened voice, facial hair, and muscle development experienced by boys during puberty, and if that is followed by estrogen and anti-androgen medication, they will have the breast development, redistribution of fat (specifically to abdomen, buttocks, hips, thighs, and arms), musculature, and hair and skin texture typical of other girls.

37. Psychotherapy to reduce the harmful effects of stigma and improve resiliency can also be an important form of support for individuals of any age with gender dysphoria. While psychotherapy can be useful as a support tool, it is not a substitute for social and medical transition as a means to reduce or eliminate gender dysphoria.

38. There is no “one size fits all” treatment regimen. In addition, individuals may be constrained by practical limitations—for instance, medical contraindications or cost—on the ability to obtain particular treatments.

39. Before transgender identity and gender dysphoria were well understood by the

medical and psychological communities, there were attempts to use psychotherapy to try to change the individual's gender identity to match their sex assigned at birth. This has been referred to as "conversion" or "reparative therapy" in much of the academic and clinical literature. Such efforts were found to be ineffective and harmful and are therefore now considered unethical, and their use on minors is now illegal in numerous states.

III. DISCRIMINATION AGAINST AND VICTIMIZATION OF TRANSGENDER INDIVIDUALS

40. Excluding transgender boys from using facilities used by other boys, and transgender girls from using facilities used by other girls, subjects these youth to discrimination in a context in which they already experience a disproportionate amount of discrimination and adverse health impacts that result from discrimination.

41. Psychological science has used the concept of minority stress to understand and explain the reasons why transgender people (and members of other minority groups) experience physical and mental health disparities. The model focused on minority stress indicates that there are three types of minority stressors: 1) external stressors, 2) expectations of external stressors, and 3) internal stressors. Examples of external stressors experienced by transgender people include discrimination, prejudice, harassment, rejection, and non-affirmation of gender identity. Examples of internal stressors experienced by transgender people include: concealing one's gender identity, internalizing gender-related stigma, and constantly thinking about one's gender. Transgender people will often expect that they will experience external stressors due to having actually experienced these in the past (or currently experiencing them) as well as witnessing or hearing about other transgender people who have experienced external stressors.

42. In addition to studies that focus generally on external stressors, there have been several studies that delve into specific types of external stressors. For example, there is one type

of external stressor called misgendering that includes communications or actions that convey that a person's gender is misperceived or is being purposefully denied. Examples of misgendering can include using a name or pronouns inconsistent with a person's gender identity or denying them access to gendered facilities that are consistent with their gender identity (McLemore, 2018). McLemore (2015) found that experiences of being misgendered were associated with anxiety and negative affect (*e.g.*, hostility and guilt), lower self-esteem related to appearance, and felt stigma. In a follow-up study with more specific measures regarding mental health, McLemore (2018) again reported that experiences of being misgendered were related to depression, anxiety, stress, and felt stigma.

43. Misgendering, along with other forms of external stressors, is considered a form of social exclusion. Social psychology has established that seeking social acceptance is one of the most basic human needs and that the harms of social exclusion based on identity are widespread and can be catastrophic. On an individual level, social exclusion impacts one's sense of belonging, self-esteem, sense of existence, and self-control. Social exclusion is associated with an increase in maladaptive behaviors, risky behaviors, and risk-taking behaviors. On a systematic level, social exclusion is often reinforced by organizations and institutions adopting policies and procedures that can enforce discrimination toward certain groups of people. Social exclusion is considered harmful in general; however, it can be even more harmful when people in positions of power perpetuate notions that isolate and stigmatize transgender people. Research on social identity theory describes the harm that results when people of higher status—usually people in power such as administrators—fail to affirm or actively disaffirm lower-status individuals with a marginalized identity. This often leads to external forms of harm such as ostracization and discrimination against the individual by peers and others, as well as internal

harms such as internalized shame and self-hatred. These internal and external factors can be directly related to psychological distress, such as post-traumatic stress disorder, depressive disorders, anxiety disorders, and hypertension, amongst myriad other health concerns.

44. In a study involving 610 transgender individuals (Galupo et al. 2020), study participants provided information about their experience of gender dysphoria. When asked about the impact of being misgendered or otherwise discriminated against based on their being transgender, they provided descriptions such as “it’s like a visceral, violating, physical manifestation of psychological pain for me” and “each of those [misgenderings] is a knife.”

45. There is a large body of scientific data indicating that transgender people experience a significant number of external stressors. The U.S. Transgender Survey (James et al., 2016), collected data regarding discrimination experiences of 27,715 transgender people, aged 18 and above in the United States. This dataset concluded that transgender people experience substantial discrimination through a multitude of contexts, including employment, education, facilities, housing, legal protections, and access to health care services. Follow-up studies using the same nation-wide dataset indicate that experiences of transgender-related harassment in K-12 environments years primarily accounts for negative mental health experiences and that socially transitioning buffers the effects of harassment in those environments (Turban et al., 2021).

46. In their systematic review of discrimination experiences reported by transgender people, McCann & Brown (2017) found that for 19 studies including over 9,000 participants, experiences of transgender-specific discrimination ranged from 40-70%, depending on the type of discrimination (e.g., health care discrimination, harassment, violence). However, more recent estimates indicate the numbers might be higher than in the 2017 review. In a study my

colleagues and I recently conducted with a sample of 575 transgender participants, 92.6% reported at least one lifetime experience of transgender-related discrimination (for example, not being treated fairly or justly in specific environments), 94.2% reported at least one lifetime experience of anti-transgender rejection (for example, relationships ending or feeling unwelcome in certain communities), and 78.9% reported at least one lifetime experience of anti-transgender victimization (for example, experiences of physical harm, harassment, or property damage) (*see* Barr, Snyder, Adelson, & Budge, 2021). Also, in a recent study focusing on discrimination experiences of transgender people, 76.1% of the sample reported experiencing discrimination in the past year (Puckett et al., 2020). In addition to experiences of discrimination, transgender people report extensive exposure to mistreatment, harassment, and violence (James et al., 2016). One of the largest nationwide U.S. studies focused on LGBTQ youth demonstrates that transgender youth experience significant amounts of harassment, bullying, and violence (Kosciw et al., 2022). In a report from the data that compared transgender and cisgender youth (GLSEN, 2021), 84.4% of transgender youth felt unsafe at school when compared to 20.6% of their cisgender LGBQ peers. In addition, 43.6% of the transgender sample reported missing school because they felt unsafe or uncomfortable, compared to 24.9% of their cisgender LGBQ peers. The study indicated that 77.3% of transgender students reported experiencing discrimination at school, compared to 46.1% of the cisgender sample. In the overall report (Kosciw et al., 2022), 80.3% of youth reported hearing biased language regarding gender expression and 65.2% reported hearing anti-transgender language while at school. Of those youth, 72% reported that there was a staff member present while hearing those remarks and that 91.2% of staff never intervened or intervened only sometimes. In one of the largest nationwide Canadian studies to focus on transgender youth (Taylor et al., 2020), 66% of youth reported being bullied, 35% were

physically threatened or injured, 9% were threatened with a weapon; 63% reported experiencing verbal sexual harassment, 34% reported physical sexual harassment.

47. Transgender children and adolescents experience a great deal of victimization in the school environment, including bullying, physical assault, sexual assault, maltreatment, property victimization, and witnessing/indirect victimization. In their systematic review, Martin-Castillo et al. (2020) examined the effects of school-based victimization throughout 19 studies covering over 23,000 transgender people. Results from this systematic review indicate that transgender youth experience significantly higher rates of victimization at school than their cisgender peers.

48. There also is robust data regarding the psychological impact of external stressors for transgender youth and young adults. Exposure to discrimination has been linked with higher reports of depression, anxiety, post-traumatic stress disorder, self-harm, and suicidality (e.g., Chozden et al., 2019; Price-Feeney, Green, & Dorison, 2020; Veale et al., 2019; Wilson et al., 2016). In a recent study, Pease and colleagues (2022) note that external minority stressors were directly related to psychological distress for young adults. In addition to this finding, they also note that experiencing more anti-transgender discrimination leads to higher levels of gender dysphoria, which then increase psychological distress for young adults.

49. Regarding mental health disparities, transgender youth consistently report higher instances of mental health concerns when compared to their cisgender counterparts. When compared with cisgender matched controls, transgender youth displayed a twofold to threefold increased risk of depression, anxiety, suicidal ideation, suicide attempt, and self-harm (Reisner et al., 2015). Fox et al. (2020) report that transgender adolescents were 8 times more likely to report depressive symptoms when compared to cisgender adolescents and were 5 times more

likely than cisgender adolescents to report self-harm and suicidality. There is a large body of research demonstrating that these disparities can be explained primarily by the presence of external stressors.

50. Although all psychological distress deserves attention, suicidality (suicidal ideation, suicide attempts, and completed suicide) is perhaps one of the most devastating outcomes due to the finality of completed suicide. For transgender youth, the evidence indicates that suicidality is an overwhelming mental health disparity. For example, in a recent sample of transgender youth, 86% reported suicidal ideation and 56% reported a previous suicide attempt and that external stressors such as harassment and bullying were directly related to suicide attempts (Austin et al., 2022). Data indicate that transgender youth are 2.71 times more likely to attempt suicide when compared to cisgender youth (Jackman et al., 2019). As noted above, these disparities can be explained primarily by the presence of external stressors.

51. Studies demonstrate that a negative school climate is not only detrimental to transgender youths' mental health, but also impacts their academic achievement. When compared to cisgender youth, transgender youth were three times more likely to be truant from school more often due to feeling more unsafe and distressed (Day et al., 2018). Additionally, transgender youth reported greater victimization at school and poorer academic performance when compared to cisgender LGBTQ+ peers (Poteat et al., 2021).

IV. THE IMPACTS OF EXCLUDING TRANSGENDER STUDENTS FROM FACILITIES THAT MATCH THEIR GENDER IDENTITY

52. In the United States, school and other public multiple occupancy restrooms and locker rooms are typically separated based on gender (women's and men's or girls' and boys' restrooms and locker rooms), unlike most other spaces. When facilities are gendered and a transgender individual is prohibited from using facilities consistent with their gender identity, a

variety of negative consequences can result, each of which can lead to adverse mental and/or physical health for the excluded transgender person. These include: (1) feelings of rejection, invalidation, isolation, shame, and stigmatization; (2) interference with the process of social transition; (3) disclosure that the individual is transgender to others who may not know that (and to whom the individual does not wish to disclose that); (4) communication to others of a view that the transgender individual does not belong in spaces used by their peers and that there is something wrong with the individual, which can foster additional discrimination, harassment, and even violence; (5) efforts to avoid going to the restroom, including restricting intake of fluids and food, which can cause serious physical illness; and (6) reduction in the ability to concentrate and learn. In addition, when “accommodations” are offered to transgender individuals that require them to use a separate restroom that is not usually designated for their group (*e.g.*, sending a high school student to a faculty or nurse’s restroom) or when a transgender person, unlike others, is told that they—but not their peers—must use a single-user restroom, that individual likewise is being told not only that their gender identity is invalid, but that they are something “other” and must be separated from all their peers because of who they are. Numerous research studies have confirmed the negative psychological impact of being invalidated and “othered” in these ways (*e.g.*, Price-Feeney et al., 2021; McGuire et al., 2022; McLemore, 2015; McLemore, 2018).

A. Excluding students who are transgender from facilities that are consistent with their gender identity worsens the already severe discrimination experienced by transgender people, contributing to negative health outcomes.

53. Adding to the discrimination transgender youth already experience by excluding them from using the same restrooms and locker rooms as their peers subjects these youth to significant psychological harm and worsens their mental health, including causing feelings of

feelings of rejection, invalidation, isolation, shame, and stigmatization, as well as depression, anxiety, and suicidal ideation. Research also indicates that there are cumulative effects of experiencing discrimination, especially related to trauma. In a recent study, my colleagues and I found that the chronicity and accumulation of discrimination events were related to higher incidences of Post-Traumatic Stress Disorder (Barr et al., 2021).

54. Although many transgender individuals report negative consequences when they are restricted from using restrooms consistent with their identity, this exclusion may be particularly damaging during adolescence. Adolescence is marked by a time of development where individuals' attention and awareness are particularly heightened related to looks, "fitting in," and navigating complex social interactions. Transgender adolescents are typically acutely self-conscious of the ways they may be perceived as different from their peers of the same gender. An internal consequence of that "not fitting in" is often internalized shame and sometimes diagnosable social anxiety and depression. External consequences can include experiences of bullying, harassment, and discrimination by peers and adults within school institutions. Of particular concern is bullying and harassment of transgender students, and even violence against them, if they use restrooms that are inconsistent with how they appear to, or are known to, others.

55. In addition to the links between harassment and discrimination from peers and clinical distress in transgender adolescents, it can be even more harmful when adults in power perpetuate notions that isolate and stigmatize transgender adolescents. Research on what is known as social identity theory describes the harm that results when people of higher status—usually people in power, such as, in the case of students, school administrators—fail to affirm or actively disaffirm lower-status individuals with a marginalized identity. This often leads to

external forms of harm such as ostracization and discrimination against the individual by peers and others, as well as internal harms such as internalized shame and self-hatred. These internal and external factors can be directly related to psychological distress, such as post-traumatic stress disorder, depressive disorders, anxiety disorders, and hypertension, amongst myriad other health concerns.

56. Research demonstrates that serious harms can result when transgender individuals are not allowed to use restrooms corresponding to their gender identity (Horne et al., 2022; McGuire et al., 2022; Price-Feeney et al., 2021). Most transgender individuals begin using restrooms consistent with their identity after completing other aspects of social transition (wearing clothing associated with their gender, changing their hair, etc.). Transgender and gender non-conforming people regularly face harassment and victimization in restrooms when they are perceived not to belong (Herman, 2013). Requiring transgender individuals to use facilities that do not correspond to their gender identity following a social transition thus subjects those individuals to increased risk of actual victimization as well as to the realistic fear of such victimization, with the accordant harms resulting from that stress.

57. Highlighting the harm caused to transgender youth, Price-Feeney, Green, and Dorison (2021) note that in a sample of 7,370 transgender youth, 58% reported being prevented or discouraged from using a restroom that corresponds to their gender identity. Of those youth, 85% reported experiencing depression and 60% seriously considered suicide. Statistical analyses indicated that restroom discrimination against transgender youth not only increased depression and thoughts of suicide but was also related to one or more suicide attempts. Additional data indicate that internalizing the impact of legislation restricting restroom use is related to depression and anxiety for transgender people (Horne et al., 2022). McGuire et al.'s (2022)

qualitative study of transgender youths' experiences with restrooms indicate that restrictions on one's use of gendered restrooms impeded participants from having a good quality of life and that this impacted how they structured their lives, moved through their days, interacted with others, and envisioned their futures. They also described chronic embarrassment, anxiety, and poor self-esteem specifically tied to fears of harassment and actually experiencing harassment in restrooms that specifically did not align with their gender identity.

B. Excluding transgender students from facilities that are consistent with their gender identity interferes with social transition.

58. Because social transition involves an individual living in the world in a manner consistent with the individual's gender identity, being excluded from facilities consistent with one's gender identity is inconsistent with and will interfere with the process of social transition.

59. Research demonstrates the importance of social transition for transgender youth. Research from the longitudinal TransYouth Project (TYP) indicates that transgender youth who have socially transitioned demonstrate similar mental health patterns when compared to cisgender youth (Durwood et al., 2017; Olson et al., 2016). Additional research demonstrates that social transition processes are related to less depression, less suicidal ideation, less and suicidal behaviors (Russell et al., 2018).

60. Consequently, delaying social transition is detrimental for transgender youth. Horton's (2022) qualitative study of parents of transgender youth provides an in-depth analysis of the consequences of delaying social transition for the parents' children, notably mentioning the psychological distress that results from delaying social transition. In the largest nationwide survey in the U.S. focusing on discrimination experiences of transgender people 18 and older, impeding social transition processes (for example, not being able to change one's name) is directly related to experiencing harassment and assault (James et al., 2016). In a large (N =

1,519) nation-wide Canadian survey of transgender youth, findings similarly demonstrate that not being able to access social transition components/processes is also directly related to experiencing harassment, assault, and denial of services (Taylor et al., 2020).

C. Requiring transgender students to use facilities that are inconsistent with their gender identity can disclose that they are transgender to others who do not know that.

61. Most transgender individuals begin using restrooms consistent with their identity after completing other aspects of social transition (such as wearing clothing associated with their gender, changing the way they wear their hair, and changing their name and pronouns to be consistent with their gender). Because of that, when transgender individuals who are in the process of social transition are forced to use facilities inconsistent with how their gender is perceived by others or are excluded from facilities used by other students who identify as the same sex as them, this can disclose to others who may not already be aware of the student's transgender status that the student is transgender.

62. There are two primary outcomes from this forced disclosure—one being that transgender youth will experience the psychological distress and gender dysphoria that come from worrying about their gender identity being disclosed without their permission. The second outcome is that transgender youth can become targets for discrimination when their transgender status is made known to others.

D. Excluding transgender students from facilities used by their peers can lead to harassment, bullying, and even violence.

63. When transgender students are excluded from using facilities used by their peers, it does not go unnoticed by other students, who receive the unmistakable message that their transgender classmates are not suitable to be among them. This can encourage other students to

engage in harassment, bullying, and even violence toward transgender students (*see* Taylor et al., 2020; Murchison et al, 2019).

64. Requiring transgender individuals to use facilities that do not correspond to their gender identity following a social transition thus subjects those individuals to increased risk of actual victimization as well as the realistic fear of such victimization, with the accordant harms resulting from that stress.

E. Transgender students excluded from restrooms consistent with their gender identity often take steps to avoid using the restroom, which can have adverse physical consequences.

65. To avoid the harmful effects of non-affirmation or fear of victimization, transgender individuals, including transgender minors, will often avoid using the restroom in any public space, including at school. This can lead to significant health consequences. First, transgender individuals will often avoid an intake of fluids to avoid the necessity to urinate; this can have significant health consequences related to dehydration. Even if transgender individuals do not avoid fluid intake, they will often hold urine in their bladders to avoid using the restroom; this can also cause negative health consequences such as urinary tract or kidney infections. - Transgender individuals may also avoid eating certain foods (or restrict food in general) to circumvent defecation, leading to constipation and muscle damage/weakness (*see* James et al., 2016 for data regarding these outcomes).

F. Restricting transgender students from using facilities consistent with their gender identity interferes with their education.

66. Disaffirmation of a transgender student's gender identity, interference with the student's social transition, and anxiety about having their transgender identity disclosed and having to use restrooms inconsistent with the student's gender identity causes emotional harm that interferes with students' ability to concentrate, learn, and thrive at school. In addition,

reducing fluid and food intake and holding urine in their bladders is psychologically distressing and distracting and also makes it harder for students to concentrate in their classes and learn. All of this interferes with these students' education and denies them equal educational opportunities. It impairs their ability to develop a healthy sense of self, peer relationships, and the cognitive skills necessary to succeed in adult life.

V. MISINFORMATION ABOUT TRANSGENDER INDIVIDUALS' USE OF RESTROOMS CONSISTENT WITH THEIR GENDER IDENTITY

67. Policies restricting transgender individuals, and in particular transgender youths', access to restrooms that are consistent with their gender identity are frequently sought to be justified by claims that are not supported by the facts. One such piece of misinformation is that transgender people are a threat to the safety of other people when they use restrooms that do not correspond to the sex they were assigned at birth. The evidence does not support this concern (Crissman et al., 2020). This claim is frequently advanced with assertions that a transgender individual assaulted someone in a restroom when in fact the individual who committed the assault generally is not transgender. The evidence indicates that transgender people are not any more likely to pose a threat to safety in restrooms when compared to cisgender people. In fact, transgender individuals are the ones who are most likely to be assaulted in restrooms (*see* Murchison et al., 2019; Taylor et al., 2020).

68. Another piece of misinformation is that transgender people will expose their genitals to others or engage in "peeking" at others' genitals in public restrooms. Such conduct is illegal or may subject individuals engaging in it to discipline but, even more importantly, there is no evidence indicating that transgender people are more likely to engage in such misconduct. In my clinical experience discussing restroom safety and perception of threats with transgender patients and community members, they are more concerned about their own safety and are

focused on their own anxiety and fear when using the restroom. Young people generally exhibit modesty with regard to exposure of their genitals to others, and this is particularly true of transgender young people for whom bringing any attention to their genitals makes them extremely uncomfortable and can increase their experience of gender dysphoria. Gender dysphoria is an uncomfortable and distressing experience, by definition, and transgender people attempt to avoid experiencing it if provided with the opportunity (*see* Galupo et al., 2020).

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12 day of May, 2023.

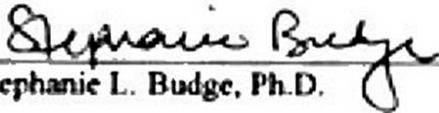

Stephanie L. Budge, Ph.D.

Exhibit A

Stephanie L. Budge, PhD, Licensed Psychologist
Curriculum Vitae

Department of Counseling Psychology, School of Education, Room 305, University of
Wisconsin-Madison, Madison, WI 53706, 608-263-3753, budge@wisc.edu

EDUCATION

- Doctor of Philosophy** **8/2006 - 8/2011**
University of Wisconsin-Madison
APA Accredited Counseling Psychology Program
Minor: Psychological Assessment
Dissertation Title: *Distress in the transition process for transgender individuals: The role of loss, community, and coping.*
- Master of Science** **8/2004 - 5/2006**
University of Texas at Austin
Educational Psychology
Thesis Title: *Sexual pressure in gay, lesbian, and bisexual relationships.*
- Bachelor of Science** **1/2003 - 12/2003**
University of Utah
Major: Psychology
- Pace University **9/2000 - 12/2002**
Major: Psychology
Minor: Women's and Gender Studies

POSITIONS HELD

- Associate Professor, tenured** **8/2018 - current**
Department of Counseling Psychology,
University of Wisconsin-Madison
- Director of AHEAD (Advancing Health Equity and Diversity)** **7/2018 – current**
Institute for Clinical and Translational Research
School of Medicine and Public Health
University of Wisconsin-Madison
- Diversity, Equity, and Inclusion Scholar In Residence** **1/2022 – 12/2022**
Mental Illness Research Education and Clinical Center
Veterans Affairs
- Health Psychologist** **6/2017 – 2/2019**
University of Wisconsin Hospital & Clinics
American Family Children's Hospital

Stephanie Budge CV 2023

Assistant Professor, tenure-track **8/2016 – 8/2018**
 Department of Counseling Psychology,
 University of Wisconsin-Madison

Assistant Professor, visiting, **8/2014 - 7/2016**
 Department of Counseling Psychology,
 University of Wisconsin-Madison

Postdoctoral Clinical Training **7/2013 - 6/2014**
 University of Louisville Trans Project

Assistant Professor, tenure-track **8/2011 - 8/2014**
 Department of Educational and Counseling Psychology,
 University of Louisville

Postdoctoral Clinical Training, **9/2011 - 8/2012**
 University of Louisville Counseling Center

Predocctoral Internship, **8/2010 - 8/2011**
 University of Minnesota, University
 Counseling and Consulting Services,
 APA-Accredited, APPIC listed predocctoral internship

PROFESSIONAL LICENSE

Licensed Psychologist in Wisconsin - 3244-57 **2/2015 - current**

Licensed Psychologist (provisional) in Kentucky - 2012-42 **8/2011 - 6/2014**
 (under supervision to gain hours for Health Service Provider status)

SPECIAL HONORS AND AWARDS

Excellence in Diversity Award **3/2022**

Awarded the School of Education Excellence in Diversity Award at UW-Madison—awarded for my research, teaching, and service focused on supporting and advocating for LGBTQ people.

American Psychological Association Division 44 Fellow **10/2021**

Fellow status is an honor bestowed upon APA members who have shown evidence of unusual and outstanding contributions or performance in the field of psychology. Fellow status requires that a person's work has had a national impact on the field of psychology beyond a local, state or regional level. Division 44 focuses on psychological science and issues related to Lesbian, Gay, Bisexual, Transgender, and Queer people.

UW-Madison Exceptional Service Award **4/2021**

Awarded the UW-Madison Exceptional Service Award, provided to faculty who provide service “above and beyond” service expectorations in a university environment

Stephanie Budge CV 2023

Division 17 Distinguished Contribution to Counseling Psychology 4/2021
American Psychological Association Division 17 (Society of Counseling Psychology) award for research and practice with trans and nonbinary populations

Division 29 Social Justice Award 2/2021
American Psychological Association Division 29 (Society for the Advancement of Psychotherapy) award for social justice work and research with LGBT populations

Impact 2030 Faculty Fellow 8/2020
Awarded the Impact 2030 Faculty Fellowship. Chosen to be one of 10 faculty in the School of Education to be an Impact 2030 Fellow. The fellowship includes 5 years of research support.

Honorary Rainbow Degree 5/2019
The University of Wisconsin-Madison's Gender and Sexuality Campus Center provides an award every year to an individual on campus who is dedicated to making positive change for LGBTQ students on campus.

Community Engaged Scholarship Award 4/2018
The University of Wisconsin-Madison School of Education award for researchers engaged in community-focused scholarship—awarded specifically for my collaborations with the Wisconsin Trans Health Coalition

Outstanding Paper Award 6/2017
American Psychological Association Division 17 (Counseling Psychology) award for a 2016 major contribution published in *The Counseling Psychologist*

Division 17 Early Career Award 7/2017
American Psychological Association Division 17 (Counseling Psychology) award for social justice work and research with LGBT populations

Division 29 Early Career Award 5/2015
American Psychological Association Division 29 (Society for the Advancement of Psychotherapy) award for psychotherapy research

University of Louisville Trustees Award Nomination 2/2013
Nomination provided to faculty for excelling in mentoring students

Outstanding Graduate Student Award 7/2010
American Psychological Association Division 17 (Counseling Psychology) LGBT award given for community contributions with the LGBT population during my doctoral studies

Graduate Student Research Award 7/2010
American Psychological Association Division 17 (Counseling Psychology)
Society for Vocational Psychology/ACT for career research regarding transgender individuals

Stephanie Budge CV 2023

Transgender Research Award 6/2010
Recipient of the inaugural American Psychological Association Division 44 (Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues) award for research with transgender populations

John W. M. Rothney Memorial Research Award 2/2010
University of Wisconsin-Madison Counseling Psychology Department award provided to an outstanding doctoral student excelling in research

Outstanding Student Poster Award 8/2009
American Psychological Association Division 17 (Counseling Psychology)

EXPERT WITNESS AND PUBLIC INTEREST EXPERIENCE

Doe v. Arizona Department of Education (Arizona, 2023)

Lusk v. Minnesota Department of Corrections, No. 62-CV-22-3284 (Minnesota, 2022)

Bridge v. Oklahoma State Department of Education, No. CIV-22-787-JD (Oklahoma, 2022)

Cooper v. USA Powerlifting & USA Powerlifting Minnesota, No. 62-CV-21-211 (Minnesota, 2021)

Boyden v. State of Wisconsin Employee Trust Funds, No. 17-cv-264 (Wisconsin, 2018)

Flack v. Wisconsin Department of Health Services, No. 3:18-cv-00309 (Wisconsin, 2018)

Whitaker v. Kenosha Unified School District, No. 2:16-cv-00943-PP (7th Cir. 2016)

Name redacted (private case of a transgender woman seeking asylum), United States DOJ Immigration Court Case (2015)

RESEARCH

JOURNAL PUBLICATIONS

Underlining denotes student

1. **Budge, S.L.**, Shoenike, D., Lee, J., Norton, M., & Sinnard, M.T. (In press). Transgender and nonbinary patients' psychotherapy goals: A secondary analysis from a randomized controlled trial. *Journal of Psychiatric Research*.
2. Raines, C., Lindley, L., & **Budge, S.L.** (In press). Development and validation of the Masculine Sexual Entitlement Norms Scale. *Psychology of Men & Masculinities*.
3. **Budge, S.L.**, Sinnard, M.T., Lindley, L., Dillard, Q., & Katz-Wise, S.L. (In press). Content analyses of concordance and discordance regarding identity, affect, and coping in families with transgender and nonbinary youth. *LGBTQ+ Family: An Interdisciplinary Journal*.

4. **Budge, S.L.**, Tebbe, E.A., & Love, D. (In press). The development and pilot testing of a minority stress psychoeducation tool for transgender and nonbinary people. *Transgender Health*.
5. Lindley, L., Pulice-Farrow, L., & **Budge, S.L.** (In press). The antecedents of gender dysphoria and the associated thoughts, emotions, and ways of coping: A qualitative analysis and clinical implications. *Counselling Psychology Quarterly*.
6. Lindley, L., & **Budge, S.L.** (In press). Development and validation of the Trans and Nonbinary Coping Measure (TNCM): A measure of trans and nonbinary specific ways of coping with gender-related stress. *Psychology of Sexual Orientation and Gender Diversity*.
7. Tebbe, E., Bell, H., Cassidy, K., Lindner, S., Wilson, E., & **Budge, S.L.** (In press). “It’s loving yourself for you”: Happiness in trans and nonbinary adults. *Psychology of Sexual Orientation and Gender Diversity*.
8. Xu, G., Wang, K., **Budge, S.L.**, & Sun, S. (2023). “We don’t have a template to follow”: Sexual identity development and its facilitative factors among sexual minority men in the context of China. *Journal of Counseling Psychology*, 70, 46–158.
9. Tebbe, E.A. & **Budge, S.L.** (2022). Mental health and the factors driving disparities and promoting well-being in trans and nonbinary people. *Nature Reviews Psychology*, 12, 694-707.
10. dickey, l. m., Thomas, K., Andert, B., Ibarra, N., & **Budge, S. L.** (2022). The relationship between realization of transgender identity and transition processes with nonsuicidal self-injury in transgender populations. *Psychiatry Research*, 310, 114332.
11. Minero, L.M., Domínguez, S. Jr., **Budge, S.L.**, & Salcedo, B. (2022). Latinx trans immigrants’ survival of torture in U.S. detention: A qualitative investigation of the psychological impact of abuse and mistreatment. *International Journal of Transgender Health*, 23, 35-59.
12. Sinnard, M.T., **Budge, S.L.**, & Rossman, H.R. (2022). Nonbinary individuals’ emotional experiences: implications for advancing counseling psychology beyond the binary. *Counselling Psychology Quarterly*, 35, 19-42.
13. Barr, S.M., Snyder, K., Adelson, J., & **Budge, S.L.** (2021). Post-traumatic stress in the trans community: The roles of anti-transgender bias, non-affirmation, and internalized transphobia. *Psychology of Sexual Orientation and Gender Diversity*, 9(4), 410–421.
14. **Budge, S.L.**, Guo, E., Mauk, E., Tebbe, E.A. (2021). The development of an observational coding scheme to assess transgender and nonbinary clients’ reported minority stress experiences. *Psychotherapy*, 58, 288-300.
15. Thai, J.L., **Budge, S.L.**, & McCubbin, L. (2021). Qualitative examination of transgender Asian Americans navigating and negotiating cultural identities and values. *Asian American Journal of Psychology*, 12, 301–316.
16. Bhattacharya, N., **Budge, S.L.**, Pantalone, D.W., & Katz-Wise, S.L. (2021). Conceptualizing relationships among transgender and gender diverse youth and their caregivers. *Journal of Family Psychology*, 35, 595-605.
17. **Budge, S.L.**, Sinnard, M.T., & Hoyt, W.T. (2021). Longitudinal effects of psychotherapy with transgender and nonbinary clients: A randomized controlled pilot trial. *Psychotherapy*, 58, 1-11.

18. **Budge, S.L.**, Orzechowski, M., Lavender, A., Schamms, S., Onsgard, K., Leibowitz, S., & Katz-Wise, S.L. (2021). Transgender and gender nonconforming youths' emotions: The Appraisal, Valence, Arousal Model. *The Counseling Psychologist*, *49*, 138-172.
19. **Budge, S.L.**, Lee, J., Lindley, L. (2020). Therapy with transmasculine clients. *Psychotherapie im Dialogue*, *21*, 52-56.
20. Sun, S., **Budge, S.L.**, Shen, W., Ge, X., Liu, M., & Feng, S. (2020). Minority stress and health: A grounded theory exploration among men who have sex with men in China and implications for health research and interventions. *Social Science and Medicine*.
21. Allen, B.J., Andert, B., Botsford, J., **Budge, S.L.**, & Rehm, J. (2020). Intersections at the margins: Comparing school experiences of nonbinary and binary-identified transgender youth. *Journal of School Health*, *90*, 358-367.
22. dicky, I.M. & **Budge, S.L.** (2020). Suicide and the transgender experience: A public health crisis. *American Psychologist*, *75*, 380-390.
23. **Budge, S.L.**, Domínguez, S. Jr., & Goldberg, A.E. (2020). Minority stress in nonbinary students in higher education: The role of campus climate and belongingness. *Psychology of Sexual Orientation and Gender Diversity*, *7*, 222-229.
24. Pantalone, D. & **Budge, S.L.** (2020). Psychotherapy research is needed to improve clinical practice for clients with HIV. *Psychotherapy*, *57*, 1-7.
25. Hase, C.N., Meadows, J.C., & **Budge, S.L.** (2019). Inclusion and exclusion in the white space: An investigation of the experiences of people of color in a primarily white American meditation community. *Journal of Global Buddhism*, *20*, 1-18.
26. Paquin, J., Tao, K., & **Budge, S.L.** (2019). A social justice framework for ethical psychotherapy research. *Psychotherapy*, *56*, 491-502.
27. **Budge, S.L.**, & Katz-Wise, S. L. (2019). Sexual minorities' sexual communication, internalized homophobia, and conformity to gender norms. *International Journal of Sexual Health*, *31*, 36-49.
28. Barcelos, C. & **Budge, S.L.** (2019). Inequalities in crowdfunding for transgender health care. *Trans Health*, *4*, 81-88..
29. Goldberg, A., Kuvalanka, K., **Budge, S.L.**, Benz, M., & Smith, J. (2019). Mental health and health care experiences of transgender undergraduate and graduate students: A mixed methods study. *The Counseling Psychologist*, *47*, 59-97.
30. Rossman, K., Sinnard, M., & **Budge, S.L.** (2019). A qualitative examination of consideration and practice of consensual non-monogamy among sexual and gender minority couples. *Psychology of Sexual Orientation and Gender Diversity*, *6*, 11-21.
31. **Budge, S.L.**, Conniff, J., Belcourt, W.S., Parks, R. L., Pantalone, D., & Katz-Wise, S.L. (2018). A grounded theory study of the development of trans youths' awareness of coping with gender identity. *Journal of Child and Family Studies*, *27*, 3048-3061.
32. **Budge, S.L.** & Moradi, B. (2018). Attending to gender in psychotherapy: Understanding and incorporating systems of power. *Journal of Clinical Psychology*, *74*, 2014-2027.
33. Moradi, M. & **Budge, S.L.** (2018). A meta-analytic approach to studying psychotherapy outcomes for LGBTQ affirmative therapies. *Journal of Clinical Psychology*, *74*, 2028-2042.
34. **Budge, S.L.**, Orovecz, J., Owen, J.J., & Sherry, A.R. (2018). The relationship between conformity to gender norms, sexual orientation, and gender identity for sexual minorities. *Counselling Psychology Quarterly*, *31*, 79-97.

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36. Katz-Wise, **Budge, S.L.**, Fugate, E., Flanagan, K., Touloumtzis, C., Rood, B...Leibowitz, S. (2017). Transactional pathways of transgender identity development in transgender and gender nonconforming youth and caregiver perspectives from the Trans Youth Family Study. *International Journal of Transgenderism*, 18, 243-263.
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39. **Budge, S.L.**, Chin, M.Y., & Minero, L.P. (2017). Trans individuals' facilitative coping: An analysis of internal and external processes. *Journal of Counseling Psychology*, 64, 12-25.
40. ° Imel, Z.E., **Budge, S.L.**, & Owen, J. (2017). Introduction to special section on advanced methodology: Counseling the dog to wag its methodological tail. *Journal of Counseling Psychology*, 64, 601-603.
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42. ° Matsuno, E. & **Budge, S.L.** (2017). Non-binary/genderqueer identities: A critical review of the literature. *Current Sexual Health Reports*, 9, 116-120.
43. Katz-Wise, S.L., Reisner, S.L., White, J.M., & **Budge, S.L.** (2017). Self-reported changes in attractions and social determinants of mental health in transgender adults. *Archives of Sexual Behavior*, 46, 1425-1439.
44. **Budge, S.L.** & dickey, I.m. (2017). Barriers, challenges, and decision-making in the letter writing process for gender transition. *Psychiatric Clinics*, 40, 65-78.
45. Katz-Wise, S.L., **Budge, S. B.**, Orovecz, J.O., Nguyen, B., & Thompson, K. (2017). Imagining the Future: Qualitative findings of future orientation from the Trans Youth Family Study. *Journal of Counseling Psychology*, 64, 26-40.
46. **Budge, S.L.** (2016). To err is human: An introduction to the special issue on clinical errors. *Psychotherapy*, 53, 255-256.
47. Sinnard, M., Raines, C., & Budge, S.L. (2016). The association between geographic location and anxiety and depression in transgender individuals: An exploratory study of an online sample. *Transgender Health*, 1, 181-186.
48. **Budge, S.L.** & Pankey, T.L. (2016). Ethnic differences in gender dysphoria. *Current Psychiatry Reviews*, 12, 175-180.
49. dickey, I.m., **Budge, S.L.**, Katz-Wise, S.L., & Garza, M.V. (2016). Health disparities in the transgender community: Exploring differences in insurance coverage. *Psychology of Sexual Orientation and Gender Diversity*, 3, 275-282.

50. Barr, S.M., **Budge, S.L.**, & Adelson, J.L. (2016) Transgender community belongingness as a mediator between strength of transgender identity and well-being. *Journal of Counseling Psychology*, 63, 87-97.
51. **Budge, S.L.**, Thai, J.L., Tebbe, E., & Howard, K.H. (2016) The intersection of socioeconomic status, race, sexual orientation, transgender identity, and mental health outcomes. *The Counseling Psychologist*, 44, 1025-1049.
52. Tebbe, E.A. & **Budge, S.L.** (2016) Research with transgender communities: Applying a process-oriented approach to methodological considerations and research recommendations. *The Counseling Psychologist*, 44, 996-1024.
53. Moradi, B., Tebbe, E., Brewster, M., **Budge, S.L.**, Lenzen, A., Enge, E...Painter, J. (2016). A content analysis of trans people and issues: 2002-2012. *The Counseling Psychologist*, 44, 960-995.
54. Tebbe, E.A., Moradi, B., & **Budge, S.L.** (2016). Enhancing scholarship focused on trans people and issues. *The Counseling Psychologist*, 44, 950-959.
55. **Budge, S.L.** (2015). Psychotherapists as gatekeepers: An evidence-based case-study highlighting the role and process of letter-writing for transgender clients. *Psychotherapy*, 52, 287-297.
56. Kopta, M., Owen, J.J., & **Budge, S.L.** (2015). Measuring psychotherapy outcomes with the Behavioral Health Measure-20: Efficient and comprehensive. *Psychotherapy*, 52, 442-448.
57. Watkins, C.E., **Budge, S.L.**, & Callahan, J.L. (2015). Common and specific factors converging in psychotherapy supervision: A supervisory extrapolation of the Wampold/Budge psychotherapy relationship model. *Journal of Psychotherapy Integration*, 25, 214-235.
58. Owen, J.J., Adelson, J.L., **Budge, S.L.**, Wampold, B.E., Kopta, M., Minami, T., & Miller, S.D., (2015). Trajectories of change in short-term psychotherapy. *Journal of Clinical Psychology*, 71, 817-827.
59. **Budge, S.L.** (2015). The effectiveness of psychotherapeutic treatments for personality disorders: A review and critique of current research practices. *Canadian Psychology*, 56, 191-196.
60. Owen, J.J., Adelson, J.L., **Budge, S.L.**, Reese, R.J., & Kopta, M.M. (2015). Good-Enough Level and Dose-Effect models: Variation among outcomes and therapists. *Psychotherapy Research*, 26, 22-30.
61. Katz-Wise, S.L. & **Budge, S.L.** (2015). Cognitive and interpersonal identity processes related to mid-life gender transitioning in transgender women. *Counselling Psychology Quarterly*, 28, 150-174.
62. **Budge, S.L.**, Orovecz, J., & Thai, J.L. (2015). Trans men's positive emotions: The interaction of gender identity and emotion labels. *The Counseling Psychologist*, 43, 404-434.
63. **Budge, S. L.**, Keller, B.L., & Sherry, A. (2015) A qualitative investigation of lesbian, gay, bisexual, and queer women's experiences of sexual pressure. *Archives of Sexual Behavior*, 44, 813-824.
64. **Budge, S.L.** (2014). Navigating the balance between positivity and minority stress for LGBTQ clients who are coming out. *Psychology of Sexual Orientation and Gender Diversity*, 1, 350-352.

65. **Budge, S.L., Rossman, H.K., & Howard, K.H.** (2014). Coping and psychological distress among genderqueer individuals: The moderating effect of social support. *Journal of LGBT Issues in Counseling, 8*, 95-117.
66. **Budge, S.L., Moore, J.T., Del Re, A.C., Wampold, B.E., Baardseth, T.P., & Nienhuis, J.B.** (2013). The effectiveness of evidence-based treatments for personality disorders when comparing treatment-as-usual and bona fide treatments. *Clinical Psychology Review, 33*, 1057-1066.
67. **Budge, S.L.** (2013). Interpersonal psychotherapy with transgender clients. *Psychotherapy, 50*, 356-359.
68. Katz-Wise, S.L., **Budge, S.L.**, & Hyde, J.S. (2013). Individuation or identification? Self-objectification and the mother–adolescent relationship. *Psychology of Women Quarterly, 37*, 366-380.
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70. **Budge, S.L., Owen, J.J., Kopta, S.M., Minami, T., Hanson, M.R., & Hirsch, G.** (2013). Differences among trainees in client outcomes associated with the Phase Model of Change. *Psychotherapy, 50*, 150-157.
71. **Budge, S. L., Katz-Wise, S. L., Tebbe, E., Howard, K.A.S., Schneider, C. L., & Rodriguez, A.** (2013). Transgender emotional and coping processes: Use of facilitative and avoidant coping throughout the gender transition. *The Counseling Psychologist, 41*, 601-647.
72. Valdez, C. R. & **Budge, S.L.** (2012). Addressing adolescent depression in schools: Effectiveness and acceptability of an in-service training for school staff in the United States. *International Journal of Educational Psychology, 1*, 228-25.
73. Wampold, B.E., & **Budge, S.L.** (2012). The relationship—and its relationship to the common and specific factors of psychotherapy. *The Counseling Psychologist, 40*, 601-623.
74. Wampold, B.E., **Budge, S.L.**, Laska, K. M., Del Re, A.C., Baardseth, T.P., Fluckiger, C., Minami, T., Kivlighan, M., & Gunn, W. (2011). Evidence-based treatments for depression and anxiety versus treatment-as-usual: A meta-analysis of direct comparisons. *Clinical Psychology Review, 31*, 1304-1315.
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BOOK CHAPTERS

1. **Budge, S.L.** (2022). Genderqueer. In A. Goldberg (Ed.) *The SAGE Encyclopedia of LGBTQ Studies, 2nd Edition* (pp. xx-xx). Thousand Oaks, CA: SAGE.
2. **Dominguez, S. & Budge, S.L.** (2020). Gender Nonconformity. In A. Goldberg (Ed.) *The SAGE Encyclopedia of Trans Studies* (pp. xx-xx). Thousand Oaks, CA: SAGE.
3. **Budge, S.L.** & Moradi, B. (2019). *Gender Identity*. In J. Norcross and B. Wampold (Eds.) *Psychotherapy Relationships That Work, Volume 2*. London, England: Oxford University Press.
4. Moradi, B. & **Budge, S.L.** (2019). *Sexual Orientation*. In J. Norcross and B. Wampold (Eds.) *Psychotherapy Relationships That Work, Volume 2*. London, England: Oxford University Press.
5. **Budge, S.L.** & **Orovecz, J.J.** (2017). Gender fluidity. In K. Nadal (Ed.) *The SAGE Encyclopedia of Psychology and Gender* (pp. 660-662). Thousand Oaks, CA: SAGE.
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9. **Budge, S.L.** & **Sinnard, M.** (2017). Trans. In K. Nadal (Ed.) *The SAGE Encyclopedia of Psychology and Gender* (pp. 1685-1685). Thousand Oaks, CA: SAGE.
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13. **Sun, S.** & **Budge, S.L.** Women's group therapy. (2017). In K. Nadal (Ed.) *The SAGE Encyclopedia of Psychology and Gender* (pp. 1829-1830). Thousand Oaks, CA: SAGE.
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15. Alexander, D., Hunter, C., & Budge, S.L. (2017). Experiences of women in religious leadership. In K. Nadal (Ed.) *The SAGE Encyclopedia of Psychology and Gender* (pp. 1813-1815). Thousand Oaks, CA: SAGE.
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17. **Budge, S.L.** & Snyder, K.E. (2016). Sex-related differences research. In A. Goldberg (Ed.) *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies* (pp. 2125-2129). Thousand Oaks, CA: SAGE.
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GRAPHIC NOVEL

Budge, S.L. & Funk, H. (2019). *Longitudinal effects of psychotherapy with transgender clients: A randomized controlled pilot trial*. JKXComics. Available at: <https://www.jkxcomics.com/psychotherapy>

RESEARCH REPORTS

Botsford, J.C., Allen, B.J., Andert, B.D., **Budge, S.L.,** & Rehm, J.L. (2018). *Meeting the healthcare needs of transgender, nonbinary, and gender expansive/ nonconforming youth in Wisconsin: A report of the 2017 Wisconsin Transgender Youth Community Needs Assessment*. Available at: <https://www.med.wisc.edu/media/medwiscedu/documents/about-us/CH-174891-18-TNG-Youth-Report-Full.pdf>

PRACTICE REPORTS

Matsuno, E., Webb, A., Hashtpari, H., **Budge, S.L.,** Krishnan, M., & Balsam, K. (2021). Nonbinary fact sheet. A publication for the Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues: Available at: <https://www.apadivisions.org/division-44/resources/advocacy/non-binary-facts.pdf>

Paquin, J., Tao, K., & **Budge, S.L.** (2020). Is psychotherapy for everyone? Available at: <https://www.apa.org/pubs/highlights/spotlight/issue-192>.

Webb, A. Matsuno, E., **Budge, S.L.,** Krishnan, M., & Balsam, K. (2017). Nonbinary gender identities fact sheet. A publication for the Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues: Available at: <https://www.apadivisions.org/division-44/resources/advocacy/non-binary-facts.pdf>

Budge, S.L. (2015). Critical considerations in writing letters for trans clients. Available at: <https://societyforpsychotherapy.org/critical-considerations-in-writing-letters-for-trans-clients/>

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CURRICULUM GUIDE

McGinley, M., Christie, M. B., Clements, Z., Goldbach, C. M., Kraus, E., Woznicki, N. W., Breslow, A. S., **Budge, S. L.**, & Matsuno, E. (2020). A resource for incorporating trans and gender diverse issues into counseling psychology curricula. APA Division 17 Special Task Group, Making Room at the Table: Trans/Nonbinary Pipeline to Counseling Psychology. Available at: <https://www.div17.org/wp-content/uploads/Incorporating-Trans-and-Gender-Diverse-Issues-into-Counseling-Psychology-Curricula.pdf>

RESEARCH SUPPORT

National Institute on Minority Health and Health Disparities 7/01/2023-6/30/2028

National Institute of Health, \$3,500,000, scored (in discussion)

This grant focuses on developing and measuring a social support instrument for transgender and nonbinary people with the intent of creating community toolkits for LGBTQ+ community organizations.

Role: Principal Investigator (dual-PI with E. Tebbe)

Reilly-Baldwin Project Grant 07/2023-07/2024

University of Wisconsin-Madison, \$120,000—**funded**

Mentoring a student (L. Lindley) on a grant focused on designing and testing a web app focusing on providing coping skills to transgender and nonbinary people.

Role: PI (dual PI with L. Lindley)

Baldwin Seed Grant 07/2023-07/2024

University of Wisconsin-Madison, \$4,000—**funded**

Mentoring student (J. Lee) on a grant focused on family attachment processes and PTSD for transgender and nonbinary people.

Role: PI

National Institute on Minority Health and Health Disparities 9/01/2022-5/31/2027

National Institute of Health, \$1,063,616, funded

This administrative grant focuses on Northern Arizona University's (NAU's) Southwest Health Equity Research Collaborative (SHERC) to establish community-engaged priorities and strategic plans for addressing a wide range of health disparities; provide the institutional infrastructure for SHERC targeted research projects.

Role: Consultant

School Mental Health Collaborative IES Grant 9/01/2022-9/01/2024

Institute of Education Training Grant, funded

This grant focuses on training postdoctoral trainees in innovative research methods that will impact communities experiencing marginalization

Role: Collaborator

Young Investigator Grant 9/01/2022-9/01/2024

American Foundation for Suicide Prevention, \$90,000—**funded**

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This grant focuses on using EMA methods to assist therapists with intervening for transgender adult clients experiencing suicidal ideation.

Role: Co-Investigator

Diverse & Resilient Community Grant

9/17/2021-9/17/2022

Diverse & Resilient, \$20,000—**funded**

Community grant focusing on a program evaluation regarding a training for mental health providers to infuse radical healing into their practice and to reduce internalized stigma.

Role: PI

Understanding and Reducing Inequities Initiative

7/01/2021-7/01/2023

University of Wisconsin-Madison, \$250,000—**funded**

Study focusing on creating a psychotherapy intervention for trans and nonbinary people that includes radical healing and skills to reduce internalized transnegativity.

Role: PI

Baldwin Seed Grant

07/2021-07/2022

University of Wisconsin-Madison, \$4,000—**funded**

Mentoring student (L. Lindley) on a grant focused on coping mechanisms for transgender and nonbinary people.

Role: PI

2030 Faculty Fellowship Funds

8/20/2020-8/20/2025

University of Wisconsin-Madison, \$100,000—**funded**

Funds to support community-based research focused on improving mental health and wellness for transgender and nonbinary people.

Role: PI

Baldwin Seed Grant

06/2019-06/2020

University of Wisconsin-Madison, \$4,000—**funded**

Mentoring student (M. Sinnard) on a grant focused on objectified body consciousness for trans, nonbinary, and gender nonconforming individuals.

Role: PI

Online Course Development Grant

01/2019-9/2020

University of Wisconsin-Madison, \$15,000—**funded**

This grant funds university faculty to design new and innovative courses at UW-Madison. The funding will cover the creation of a course called “Gender and Queer Issues In Psychology” set to begin in Summer 2020.

Role: Instructor

Fall Research Competition

6/2018 – 6/2019

University of Wisconsin-Madison, \$34,000 - **funded**

Research project determining the effectiveness of psychotherapy interventions focused on minority stressors for transgender clients.

Role: PI

Stephanie Budge CV 2023

UW Institute for Clinical Research (ICTR) 6/2017 – 6/2018
Health Equity and Diversity (AHEAD) research pilot award, \$10,000 - **funded**
Research project determining the effectiveness of psychotherapy interventions focused on minority stressors for transgender clients.
Role: PI

National Institute of Health 1/2017 – 1/2019
NICHD, R21, \$206,028—**funded**
Structured pubertal suppression readiness assessment for gender dysphoric youth.
Role: Collaborator

Gaining STEAM 5/2018 – 5/2019
JKX Comics, \$4800, **awarded**
Grant awarded to scientists to pair with a comic book artist to create visual representation of scientific content.
Role: Scientist

Fall Research Competition 5/2017 - 9/2018
University of Wisconsin-Madison, \$60,000 - **funded**
Supplemental research project for the NIH grant (listed below) focusing on pubertal suppression for transgender youth.
Role: PI

Wisconsin Partnership Program 6/2016 – 6/2018
Community Opportunity Grant, \$50,000 - **funded**
A grant that assists with opportunities focused on transgender health and equity in health care.
Role: Collaborator

UW Institute for Clinical Research (ICTR) 6/2016 – 6/2018
Health Equity and Diversity (AHEAD) research pilot award, \$10,000 - **funded**
Research project advancing the Wisconsin Survey of Trans Youth: An Assessment of Resources and Needs.
Role: Co-investigator

Faculty Research Development Grant 10/2012 - 10/2013
University of Louisville, \$2,200 - **funded**
Research project testing psychotherapy process and outcomes for transgender individuals.
Role: PI

Faculty Research Development Grant 9/2011- 9/2012
University of Louisville, \$2,200 - **funded**
Research project regarding positive experiences of transgender identity and intersectionality of identities with genderqueer individuals.
Role: PI

Charles J. Gelso Research Grant

6/2010 – 6/2012

American Psychological Association (Division 29), \$2,000 - **funded**

Meta-analysis project focusing on personality disorders and treatment effectiveness.

Role: PI

INTERNATIONAL PRESENTATIONSUnderlining denotes student;

1. **Budge, S.L.** & Lee, J. (2022, July). *Understanding and Incorporating Trans-Affirmative Therapies When Working With Two Spirit, Trans, and Nonbinary Clients*. Korean Counseling Association/ Korean Counseling Psychology Association Conference. Presented virtually to an audience in Seoul, Korea.
2. **Budge, S.L.** (2021, June;). *Attending to Power, Privilege, and Oppression in Psychotherapy Research*. Panel moderator for a plenary session at the Society for Psychotherapy Research, Heidelberg, Germany (hybrid model online due to COVID-19).
3. **Budge, S.L.** (2020, October). *Mental Health Care for Trans Youth: What Helps Youth Thrive and What Resources are Requested?* World Professional Association for Transgender Health (WPATH) Conference, originally scheduled to be in Hong Kong, online due to COVID-19.
4. **Budge, S.L.** & Sinnard, M.T. (2020, October). *Acceptability and Feasibility of a Randomized Controlled Trial with Transgender and Nonbinary Clients*. World Professional Association for Transgender Health (WPATH) Conference, originally scheduled to be in Hong Kong, online due to COVID-19.
5. Sinnard, M.T. & **Budge, S.L.** (2020, October). *Development of the Objectified Body Consciousness Scale for Transgender and Nonbinary Adults*. World Professional Association for Transgender Health (WPATH) Conference, originally scheduled to be in Hong Kong, online due to COVID-19.
6. Allen, B., Rehm, J., **Budge, S.L.**, Botsford, J., & Andert, B. (2018, May). *School Safety and Support for Transgender Youth with Non-binary vs. Binary Gender Identities*. Pediatric Academic Societies (PAS) Conference, Toronto, Canada.
7. Rehm, J., Allen, B., **Budge, S.L.**, Botsford, J., & Andert, B. (2018, May). *Transgender youth who receive gender related care from a specialized provider differ from other transgender youth*. Pediatric Academic Societies (PAS) Conference, Toronto, Canada.
8. Rehm, J., Allen, B., **Budge, S.L.**, Botsford, J., & Andert, B. (2018, May). *Increased awareness of healthcare needs of youth with nonbinary gender identities is needed*. Pediatric Academic Societies (PAS) Conference, Toronto, Canada.
9. **Budge, S.L.** & Katz-Wise, S.L. (2016, July). *Emotional expression of trans youth and their families: A cross-comparison of familial cultures for gender and emotions*. Paper presented at the International Congress of Psychology Conference, Yokohama, Japan.
10. Chin, M.Y., Minero, L., & **Budge, S.L.** (2016, July). *“This is me, and I am happy. I love it”*: *Understanding Internal Coping Processes of Trans-identified Individuals using Grounded Theory*. Paper presented at the International Congress of Psychology Conference, Yokohama, Japan.
11. **Budge, S.L.**, Katz-Wise, S.L., Conniff, J., Belcourt, S., & Parks, R. (2016, July). *Developmental processes of coping for trans youth: Results from the Trans Youth and*

- Family Study (TYFS)*. Paper presented at the World Professional Association for Transgender Health Biannual Conference, Amsterdam, The Netherlands.
12. Sinnard, M., Raines, C., & Budge, S.L. (2016, July). *Effects of location and transition status on anxiety and depression in trans individuals*. Paper presented at the World Professional Association for Transgender Health Biannual Conference, Amsterdam, The Netherlands.
 13. **Budge, S.L.** & salkas, s. (2016, July). *An overview of non-binary gender identities in the National Transgender Discrimination Survey*, Paper presented at the World Professional Association for Transgender Health Biannual Conference, Amsterdam, The Netherlands.
 14. Orovecz, J., salkas, s., & Budge, S.L. (2016, July). *External identity processes for individuals with non-binary identities*. Paper presented at the World Professional Association for Transgender Health Biannual Conference, Amsterdam, The Netherlands.
 15. Rossman, K., Sinnard, M., & Budge, S.L. (2016, July). *The externalization of affect for individuals with non-binary gender identities*. Paper presented at the World Professional Association for Transgender Health Biannual Conference, Amsterdam, The Netherlands.
 16. Hase, C.N., Reiland, M.T., Budge, S.L. (2015, August). "Omitting none:" *Experience of people of color in a primarily white meditation community*. Poster presented at American Psychological Association. Toronto, ON.
 17. Akinniyi, D.A. & Budge, S.L. (2015, August). *Genderqueer individuals' conceptualizations of multiple identities: A qualitative investigation using identity maps*. Paper presented at the Annual Meeting for the American Psychological Association, Toronto, Canada.
 18. Sinnard, M. & Budge, S.L. (2015, August). *Effects of location and transition status on anxiety and depression in trans individuals*. Poster presented at the Annual Meeting for the American Psychological Association, Toronto, Canada.
 19. Watkins, C.E., **Budge, S.L.**, & Wampold, B.E. (2015, August). *Extrapolating the Wampold/Budge psychotherapy relationship model to psychotherapy supervision*. Paper presented at the Annual Meeting for the American Psychological Association, Toronto, Canada.
 20. **Budge, S.L.** (2014, February). *Developmental processes of positive emotions for trans individuals: The interplay of interpersonal emotions and transition appraisal*. Paper presented at the World Professional Association for Transgender Health Biannual Conference, Bangkok, Thailand.
 21. **Budge, S.L.**, Adelson, J.L., & Howard, K.A.S. (2014, February). *Transgender and Genderqueer individuals' mental health concerns: A moderated mediation analysis of social support and coping*. Paper presented the World Professional Association for Transgender Health Biannual Conference, Bangkok, Thailand.

NATIONAL PRESENTATIONS

Underlining denotes student;

1. Domínguez, S. Jr., Budge, S. L., Tebbe, E., Norton, M., Lee, J., Lindley, L., & mcneill, j. n. (2023, May). *Longitudinal analyses from an open psychotherapy clinical trial with Two-Spirit, trans, and nonbinary clients of color*. Paper to be presented at the National Transgender Health Summit. San Francisco, California.

2. Lee, J., Budge, S.L., Dominguez, S. Jr., Tebbe, E. (2023, May). *From gatekeeping to a companionship model: How to write referral letters for trans and nonbinary individuals*. Paper to be presented at the National Transgender Health Summit. San Francisco, California.
3. Lindley, L. & Budge, S.L. (2023, May). *For us, by us: Trans centered development and psychometric validation of measures of gender minority stress*. Paper to be presented at the National Transgender Health Summit. San Francisco, California.
4. Lee, J., Gao, S., Dominguez, S. Jr., Norton, M., Budge, S.L, Tebbe, E. (2023, May). *Understanding the Psychotherapy Goals of Two-Spirit, Transgender, and Nonbinary People of Color from the First Psychotherapy Trial Study for TPOC*. Paper to be presented at the National Transgender Health Summit. San Francisco, California.
5. Domínguez, S. Jr., Norton, M., mcneill, j. n., Lee, J., Tebbe, E., & **Budge, S. L.** (2023, May). *Cultivating trust and communicating effectively: Building a community advisory board for community-based participatory research*. Workshop to be presented at the National Transgender Health Summit. San Francisco, California.
6. Gao, S., Wachter, E., Barburoğlu, Y., Lynn, S., Dvorak, D., Gilchrist, S., Elliott, G., **Budge, S.L,** & Katz-Wise, S.L. (2023, May). *How Do Families Understand Transgender and Nonbinary Youths' Identity Processes? A Longitudinal Qualitative Investigation of Pairwise Agreement*. Paper to be presented at the National Transgender Health Summit. San Francisco, California.
7. Barburoğlu, Y., Gao, S., Elliott, G., Wachter, E., Gilchrist, S., Dvorak, D., Lynn, S., Budge, S.L., & Katz-Wise, S.L. (2023, May). *A Longitudinal Investigation of Gender Identity Fluctuations among Transgender and Nonbinary Youth*. Paper to be presented at the National Transgender Health Summit. San Francisco, California
8. Klessig, C., Dyer, R. L., Teasdale, T., Weber, I. J., & Budge, S. L. (2022). *"In most cases, abortion is understandable": A qualitative investigation of psychotherapists' abortion attitudes*. Poster presented at the 2022 American Psychological Association Annual Convention, Minneapolis, MN.
9. Teasdale, T., Dyer, R. L., Weber, I. J., Klessig, C., & Budge, S. L. (2022). *Exploring the impact of benevolent sexism on mental health clinicians' abortion attitudes*. Poster presented at the 2022 American Psychological Association Annual Convention, Minneapolis, MN.
10. Weber, I. J., Dyer, R. L., Klessig, C., Teasdale, T., & Budge, S. L. (2022). *Mental health clinicians' attitudes about classism and client pregnancy decisions*. Poster presented at the 2022 American Psychological Association Annual Convention, Minneapolis, MN
11. Smith, C. L., Zubizarreta, D., Budge, S. L., Watson, R. J., Gordon, A. R., Austin, S. B., & Katz-Wise, S. L. (2022, August). *Risk and protective factors related to body image and disordered eating in a longitudinal study of Transgender and Nonbinary adolescents*. Poster presented at the American Psychological Association Convention, Minneapolis, Minnesota.
12. Guan, T., Pham, C., & Budge, S.L. (2022, August). *Disrupting white supremacy in psychology training: Recommendations to support trainees of color*. Poster presented at the American Psychological Association Convention, Minneapolis, Minnesota
13. Lee, J. & Budge, S.L. (2022, August). *Moving From Gatekeeping to a Companionship Model in Letter Writing for TNB Individuals*. Poster presented at the American Psychological Association Convention, Minneapolis, Minnesota.

14. Dominguez, Jr. S., & Budge, S.L. (2022, August). *Using CBPR in Psychotherapy Research to Undermine Gatekeeping Practices*. Paper presented at the American Psychological Association Convention, Minneapolis, Minnesota.
15. Lee, J., Dominguez Jr., S., Matsuno, E., Norton, M., Lindley, L., Tebbe, E., & Budge, S.L. (2022, August). *Mixed-Methods Results from Gender, Resilience and Resistance, Empowerment, and Affirmation Training*. Paper presented at the American Psychological Association Convention, Minneapolis, Minnesota
16. Dominguez Jr., S. Budge, S.L., Tebbe, E.A., Norton, M., Lee, J., Lindley, L., & mceNeill, j. (2022, August). *Baseline data from an open psychotherapy trial with Two-Spirit, Trans, & Nonbinary Clients of Color*. Paper presented at the American Psychological Association Convention, Minneapolis, Minnesota.
17. **Budge, S.L.** (2022, August). *Changing Cisnormative Spaces: Improving Access to Psychotherapy and Educational Spaces for Trans and Nonbinary People*. Fellows talk provided at the American Psychological Association Convention, Minneapolis, Minnesota.
18. Smith, C. L., Zubizarreta, D., Budge, S. L., Watson, R. J., Gordon, A. R., Austin, S. B., & Katz-Wise, S. L. (2022, June). *Longitudinal associations of risk and protective factors on body image and disordered eating among Transgender and Nonbinary youth*. Paper presented at the International Conference of Eating Disorders, Virtual Conference.
19. **Budge, S.L.** (2021, August). *Gab with the greats*. An invited panelist for Division 29 Society for the Advancement of Psychotherapy at the annual American Psychological Association National Convention, Virtual Conference.
20. **Budge, S.L.** (2021, August). *Attending to Power, Oppression, and Healing with Trans, Nonbinary, and Queer Populations*. Chair of symposium presented at a mini symposium at the at the annual American Psychological Association National Convention, Virtual Conference.
21. Elliott, G., Domínguez, S. Jr., & Budge, S. L. (2021, August). *A Case Study Approach to Using a Strong Intersectional Lens in Therapy with Trans and Nonbinary Clients*. Paper presented at a mini symposium at the at the annual American Psychological Association National Convention, Virtual Conference.
22. Norton, M., Domínguez, S. Jr., Elliot, G., & Budge, S. L. (2021, August). *Dismantling, Decolonizing, and Deconstructing: Engaging the Possibilities within a Critical Lab Praxes*. Paper presented at a mini symposium at the at the annual American Psychological Association National Convention, Virtual Conference.
23. McNeill, J. & Budge, S.L. (2021, August). *Theory and Practice of Radical Healing for Queer and Trans Black and Indigenous People of Color*. Paper presented at a mini symposium at the at the annual American Psychological Association National Convention, Virtual Conference.
24. Lee, J., Hoyt, W.T., Budge, S.L., & Lee, B. (2021, August). *Parental attachment and internalized transnegativity among Korean TNB populations: Role of Self-shame, Rejection Sensitivity, and self-concept clarity*. Poster presented at the American Psychological Association Convention. Virtual Conference due to COVID-19.
25. Lindley, L. & Budge, S.L. (2021, August). *Development of the Transgender/Nonbinary Coping Measure*. Poster presented at the American Psychological Association Convention. Virtual Conference due to COVID-19.

26. Veldhuis, C.B., **Budge, S.L.**, Velez, B., Galupo, M.P., Cascalheira, C., Renteria, R., & Delucio, K. (2021, August). *Thought-Provoking Conversations about LGBTQIA+ Research*. Panelist at the American Psychological Association Convention. Virtual Conference due to COVID-19.
27. Katz-Wise, S., Vishnudas, S., Smith, C., Marchwinski, B., **Budge, S.L.**, Godwin, E., Moore, L., Ehrensaft, D., Rosal, M.C., Thomson, K. (2021, May). *Family Functioning and Mental Health: A Two-Year Longitudinal Study of Families with Transgender and/or Nonbinary Youth*. Paper presented at the LGBTQ Health Conference. Virtual Conference due to COVID-19.
28. Dyer, R.L. & **Budge, S.L.** (2021, March). *Psychotherapist attitudes about client pregnancy decision-making: Developing a scale*. Paper presented at the Association for Women in Psychology. Virtual Conference due to COVID-19.
29. **Budge, S.L.**, Velez, B., Mohr, J., Moradi, B., Puckett, J., & Matsuno, E. (2020, August). *Taking the mystery out of publishing LGBTQ research: Lessons learned*. Symposium accepted at the 2020 American Psychological Association Convention, Washington, D.C.
30. **Budge, S.L.**, Sinnard, M.T., & Hoyt, W.T. (2020, August). *Minority stress outcomes during and post psychotherapy: 6-month follow-up results for trans clients*. Paper accepted at the 2020 American Psychological Association Convention, Washington, D.C.
31. Tao, K., Paquin, J., & **Budge, S.L.** (2020, April). Using a counseling psychology lens to propose and implement a social justice framework for ethical psychotherapy research. Symposium accepted at the 2020 Counseling Psychology Conference, New Orleans, Louisiana. Conference cancelled due to COVID-19.
32. Dyer, R.L. & **Budge, S.L.** (2020, April). *Qualitative examination of transgender clients' reflections on discussing minority stress with psychotherapists*. Poster to be presented at the 2020 Counseling Psychology Conference, New Orleans, Louisiana. Conference cancelled due to COVID-19.
33. Domínguez, S. Jr., **Budge, S. L.** (2020, April). *The Social and Internal Aspects of Gender Dysphoria Scale (SIAGD): A community-engaged measure for gender dysphoria*. Poster to be presented at the 2020 Counseling Psychology Conference, New Orleans, Louisiana. Conference cancelled due to COVID-19.
34. Domínguez, S. Jr., **Budge, S. L.**, & Goldberg, A. E. (2019, August). *Minority stress in nonbinary college students: The impact of campus climate and belongingness*. Poster presented at the 2019 American Psychological Association National Convention, Chicago, IL.
35. Dyer, R. L., Sinnard, M.T., & **Budge, S. L.** (2019, August). *Working alliance and gender minority stress: Implications for psychotherapy with trans, nonbinary, and gender expansive/nonconforming clients*. Poster presented at the 2019 American Psychological Association Convention, Chicago, Illinois.
36. Sinnard, M.T., Dyer, R. L., & **Budge, S. L.** (2019, August). *Effects of identity concealment on substance use and suicidality among Midwest trans, nonbinary, and gender expansive/nonconforming individuals*. Poster presented at the 2019 American Psychological Association Convention, Chicago, Illinois.
37. Schoenike, D., Wachter, E., & **Budge, S.L.** (2019, August). *The Interaction of Transgender Identity, Race, and Mental Health: A Nationwide Sample*. Poster presented at the 2019 American Psychological Association Convention, Chicago, Illinois.

38. Barcelos, C., **Budge, S.L.**, & Botsford, J. (2019, April). *Uneven Access: The Health of Trans and Gender Nonconforming People in Wisconsin and the Upper Midwest*. Paper to be presented at the Annual National Transgender Health Summit, San Francisco, CA.
39. Bhattacharya, N., **Budge, S.L.**, Pantalone, D., & Katz-Wise, S.L. (2018, November). *Conceptualizing relationships among transgender and gender nonconforming youth and their caregivers*. Paper presented at the American Public Health Association Conference, San Diego, California.
40. **Budge, S.L.**, Sinnard, M.T., & Hoyt, W.T. (2018, September). *Longitudinal Effects of Psychotherapy with Transgender Clients: A 6-month Follow-up*. Paper presented at the Biennial North American Society for Psychotherapy Research Conference, Snowbird, Utah.
41. Sinnard, M.T. & **Budge, S.L.** (2018, September). *"I Want to Correct Past Harmful Counseling Experiences": Goal Attainment in Psychotherapy with Transgender Clients*. Paper presented at the Biennial North American Society for Psychotherapy Research Conference, Snowbird, Utah.
42. **Budge, S.L.** (2018, August). *The feasibility of a clinical trial focusing on trans individuals' minority stress*. Paper presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
43. **Budge, S.L.**, Allen, B., Andert, B., Botsford, J., & Rehm, J. (2018, August). *Resources contributing to psychological well-being for trans youth: A CBPR Approach*. Paper presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
44. Sweetnam, M.R., Mauk, E., & **Budge, S.L.** (2018, August). *A qualitative analysis of nonbinary and genderqueer individuals' experiences of proximal and distal minority stress*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
45. Dillard, S., Sinnard, M.T., **Budge, S.L.**, & Katz-Wise, S.L. (2018, August). *Triadic analysis of concordance and discordance in families of trans youth*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
46. Mauk, E., Guo, E., Stock, C., Eck, M., & **Budge, S.L.** (2018, August). *Minority stress interventions in a psychotherapy pilot trial for transgender clients*. Paper presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
47. Orzechowski, M., **Budge, S.L.**, Lavendar, A., Onsgard, K., Schamms, S., Liebowitz, S., & Katz-Wise, S.L. (2018, August). *Emotions of transgender youth*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
48. Raines, C.R. & **Budge, S.L.** (2018, August). *Measuring masculine sexual entitlement: Subscales of a new instrument*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
49. Sinnard, M.T., Orzechowski, M., **Budge, S.L.**, Belcourt, S., Conniff, J., Orovecz, J., Parks, R., Sun, S., & Sutton, J. (2018, August). *Depression and anxiety among transgender compared to cisgender Individuals: A meta-analysis*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
50. Sinnard, M.T., **Budge, S.L.**, & Hoyt, W.T. (2018, August). *The effectiveness of psychotherapy for transgender clients: A randomized controlled trial*. Paper presented at

- the Annual Meeting for the American Psychological Association, San Francisco, California.
51. Sun, S., Hoyt, W.T., & **Budge, S.L.** (2018, August). *Minority stress, HIV risk behaviors, and mental health among Chinese men who have sex with men (MSM): A qualitative analysis*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
 52. Thomas, K.A., Andert, B., Ibarra, N., **Budge, S.L.**, & dickey, I. (2018, August). *Non-suicidal self-injury in transgender individuals*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
 53. Dyer, R., **Budge, S.L.**, Rehm, J., Botsford, J., Andert, B., & Allen, B. (2018, August). *Rural-urban differences in perceived safety at school for Wisconsin trans youth*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
 54. Raines, C.R. & **Budge, S.L.** (2018, August). *Understanding the relationships between masculine sexual entitlement, masculinity, and violence*. Poster presented at the Annual Meeting for the American Psychological Association, San Francisco, California.
 55. Rehm, J., Botsford, J., **Budge, S.L.**, Andert, B., & Allen, B. (2017, September). *Initial results of needs assessment for trans and gender expansive youth in Wisconsin*. Poster presented at the International Joint Meeting of Pediatric Endocrinology, Washington, D.C.
 56. Rossman, H. K., Sinnard, M. T., & **Budge, S. L.** (August, 2017). *Bisexuality and Consensual Non-Monogamy for Trans Individuals and Their Romantic Partners*. Paper presented at the Bisexuality Issues Committee Intersectionality Symposium at the Annual Meeting for the American Psychological Association in Washington, D.C.
 57. Minero, L.M. & **Budge, S.L.** (2017, February). *Experiences of exclusion and discrimination among undocutrans (undocumented and transgender) individuals in the united states and implications for mental health professionals*. Paper presented at the meeting for the United States Professional Association for Transgender Health, Los Angeles, California.
 58. Thai, J.L., Orovecz, J., **Budge, S.L.** (2017, February) "I was pretty sure I was doing the wrongest thing a wrong thing could be done": *A qualitative examination of trans men's experiences of negative emotions*. Presentation in a symposium at the US Professional Association of Transgender Health, Los Angeles, CA.
 59. **Budge, S.L.** (2017, February). *Evaluating the effectiveness of psychotherapy with trans clients: using the working alliance inventory*. Paper presented at the meeting for the United States Professional Association for Transgender Health, Los Angeles, California.
 60. **Budge, S.L.** (2016, August). *Psychotherapy interventions, process, and outcome with transgender and gender non-conforming clients*. Chair of invited symposium for Division 29 at the Annual Meeting for the American Psychological Association, Denver, Colorado.
 61. **Budge, S.L.** (2016, August). *The impact of minority stress interventions on psychotherapy outcomes with a trans client*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
 62. Minero, L.M., Chin, M.Y., & **Budge, S.L.** (2016, August). *Transgender clients' reports of characteristics of effective and trans-competent therapists*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.

63. **Budge, S.L.** (2016, August). *The state and future of psychotherapy research with transgender clients*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
64. Orovecz, J., Moon, J., & **Budge, S.L.** (2016, August) *Using transgender emotion labels to expand on emotion models*. Presentation in a symposium at the American Psychological Association Annual Convention, Denver, CO.
65. Minero, L.M., Chin, M.Y., & **Budge, S.L.** (2016, August). *Understanding external coping processes of trans-identified individuals using grounded theory*. Poster presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
66. Salkas, S. & **Budge, S.L.** (2016, August). *An overview of US population-based data on individuals with non-binary gender identities*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
67. Alexander, D., Orovecz, J., Salkas, S., Stahl, A., & **Budge, S. L.** (2016, August). *Internal identity processes for individuals with non-binary identities*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
68. Rossman, K., Sinnard, M., & **Budge, S.L.**, (2016, August). *The "queering" of emotions--using non-binary gender identity to label emotional processes*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
69. Barr, S. M. & **Budge, S.L.** (2016, August). *Experiences of self esteem and well-being for individuals with non-binary gender identities*. Paper presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
70. Chase, A., Lam, J., & **Budge, S.L.** (2016, August). *Culture and masculine ideology: measuring masculinity among japanese american men*. Poster presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
71. Akinniyi, D. & **Budge, S.L.** (2016, August). *The student-athlete experience: Multiple minority statuses and discrimination*. Poster presented at the Annual Meeting for the American Psychological Association, Denver, Colorado.
72. **Budge, S.L.** (2016, August). *Identity processes, well-being, and emotional processes for individuals with non-binary identities*. Chair of symposium at the Annual Meeting for the American Psychological Association, Denver, Colorado.
73. Hase, C.N., Meadows, J.D., Budge, S.L. (2016, June). *Inclusion and exclusion in the white space: An investigation of the experiences of people of color in a primarily white american meditation community*. Poster presented at Mind & Life Summer Research Institute. Garrison, NY.
74. **Budge, S.L.** (2015, June). *The effectiveness of psychotherapeutic treatments for personality disorders: A review and critique of current research practices*. Paper presented at the Annual Meeting for the Society for Psychotherapy Research, Philadelphia, PA.
75. Kring, M. & **Budge, S.L.** (2015, June). *Re-evaluating outcomes in psychotherapy: Considerations beyond self-report*. Paper presented at the Annual Meeting for the Society for Psychotherapy Research, Philadelphia, PA.
76. Owen, J. J., Wampold, B.E., Miller, S.D., **Budge, S.L.**, & Minami, T. (2015, June). *Trajectories of change in short-term psychotherapy: Lessons from growth curve mixture modeling*. Paper presented at the Annual Meeting for the Society for Psychotherapy Research, Philadelphia, PA.

77. Katz-Wise, S.L. & **Budge, S.L.** (2015, April). *Imaging the future: qualitative findings of future orientation from trans youth and parents/caregivers in the Trans Youth Family Study*. Paper presented at the Annual Transgender Health Summit, Oakland, CA.
82. **Budge, S.L.** (2014, August). *The other side of the story: trans individuals' experiences of positivity and resilience*. Symposium chair for the Annual Meeting for the American Psychological Association, Washington, DC.
83. **Budge, S.L.** (2014, August). *Lessons learned from NIH-grant submission for LGBTQ research*. Invited panelist for the Annual Meeting for the American Psychological Association, Washington, DC.
78. **Budge, S.L.** & Katz-Wise, S.L. (2014, August). *Emotional and interpersonal experiences of trans youth and their caregivers*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, DC.
79. Eleazer, J.L., Nguyen, Y., **Budge, S.L.** (2014, August). *"I'm afraid of my therapist": Military policy and access-to-care for transgender US service members*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, DC.
80. Thai, J.L. & **Budge, S.L.** (2014, August). *Mental health outcomes for trans Asian American, Asian, and Pacific Islander populations*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, DC.
81. Alexander, D. & **Budge, S.L.** (2014, August). *The impact of partner support on symptoms of anxiety for trans women, trans men, and genderqueer individuals*. Poster presented at the Annual Meeting for the American Psychological Association, Washington, DC.
82. Barr, S.M. & **Budge, S.L.** (2014, August). *Trans identity salience as a predictor for well-being and body control beliefs for trans individuals*. Poster presented at the Annual Meeting for the American Psychological Association, Washington, DC.
83. Keller, B.L., Barr, S.M., & **Budge, S.L.** (2014, August). *Trans women's emotional resilience: Reactions to the intersection of sexism and transphobia*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, DC.
84. Rossman, H.K., Sinnard, M., **Budge, S.L.** (2014, August). *Adapting a three-tiered model of emotions to genderqueer individuals' identity processes*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, DC.
85. Thai, J.L., Orovecz, J., **Budge, S.L.** (2014, August). *Trans men's experiences of positive emotions: An examination of gender identity and emotion labels*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, DC.
86. Tebbe, E.N., Brewster, M., **Budge, S.L.** (2014, August). *A content analysis of transgender psychological literature*. Poster presented at the Annual Meeting for the American Psychological Association, Washington, DC.
87. Thai, J.L. & **Budge, S.L.** (2014, March). *Family relationships and outness for transgender Asian Pacific Islander individuals*. Paper presented at the Society of Counseling Psychology Conference, Atlanta, GA.
88. Hunter, C. & **Budge, S.L.** (2014, March). *The moderating effect of race related to discrimination for transgender individuals*. Paper presented at the Society of Counseling Psychology Conference, Atlanta, GA.
89. Alexander, D. & **Budge, S.L.** (2014, March). *The impact of partner support on symptoms of anxiety for trans women, trans men, and genderqueer individuals*. Paper presented at the Society of Counseling Psychology Conference, Atlanta, GA.

90. Barr, S.M. & **Budge, S.L.** (2014, March). *Validation of the Objectified Body Consciousness Scale for transgender individuals*. Paper presented at the Society of Counseling Psychology Conference, Atlanta, GA.
91. **Budge, S.L.** (2013, October). *Addressing grief and role transitions for transgender clients experiencing gender identity incongruence*. Paper presented at the Biennial North American Society for Psychotherapy Research Conference, Nashville, TN.
92. **Budge, S.L.**, Barr, S.M., Katz-Wise, S.L., Keller, B.L., & Manthos, M. (2013, June). *Incorporating positivity into psychotherapy with trans clients*. Workshop presented at the Annual Philadelphia Transgender Health Conference, Philadelphia, PA.
93. **Budge, S.L.** & Barr, S.M. (2013, April). *Emotional and identity processes of trans youth: A developmental approach*. Paper presented at the Biennial Society for Research on Child Development Conference, Seattle, WA.
94. **Budge, S.L.**, Thai, J., Rossmann, H.K. (2012, August) *Intersecting identities and mental health outcomes for transsexual, cross-dressing, and genderqueer individuals*. Poster presented at the Annual Meeting for the American Psychological Association, Orlando, Florida.
95. **Budge, S.L.** & Keller, B.L. (2012, August). *"She felt pressured, I felt neglected": LGBQ individuals' experiences of sexual pressure in relationships*. Poster presented at the Annual Meeting for the American Psychological Association, Orlando, Florida.
96. **Budge, S.L.**, Moore, J., Neinhuis, J., Baardseth, T., & Wampold, B.E. (2012, June). *The relative efficacy of bona-fide psychological treatments for personality disorders: A meta-analysis of direct comparisons*. Paper presented at the Annual Meeting for the Society for Psychotherapy Research, Virginia Beach, Virginia.
97. **Budge, S.L.** & Katz-Wise, S.L. (2012, February). *Trans-affirmative therapy: Focusing on emotional and coping processes throughout gender transitioning*. Workshop presented at the Transgender Spectrum Symposium, Annual Meeting of the Gay and Lesbian Affirmative Psychotherapy Association, New York, New York.
98. **Budge, S.L.** & Katz-Wise, S.L. (2011, November). *Transgender emotional and coping processes: Facilitative and avoidant coping throughout the gender transition*. Paper presented at the Annual Meeting for the Society for the Scientific Study of Sexuality, Houston, Texas.
99. **Budge, S.L.** & Howard, K.H. (2011, August). *Gender socialization and genderqueer individuals: The impact of assigned sex on coping and mental health concerns*. Paper presented at the Annual Meeting for the American Psychological Association, Washington, D.C.
100. Tebbe, E.L., **Budge, S.L.**, & Fischer, A. (2011, March). *Transforming the research Goliath: Reflections on research with transgender communities*. Roundtable presented at the Bi-Annual Meeting of the Association for Women in Psychology, Philadelphia, Pennsylvania.
101. **Budge, S.L.** & Howard, K.A.S. (2010, August). *Coping, social support, and well-being in the transition process for transgender individuals*. Paper presented at the Annual Meeting for the American Psychological Association, San Diego, California.
102. Baardseth, T.P., **Budge, S.L.**, & Wampold, B.E. (2010, August). *Allegiance and psychotherapy research: The effectiveness of supportive therapy as a control*. Poster presented at the Annual Meeting for the American Psychological Association, San Diego, California.

103. Solberg, V.S., Gresham, S.L., **Budge, S.L.**, & Phelps, A.L. (2010, August). *Impact of learning experiences on students with disabilities career development*. Poster presented at the Annual Meeting for the American Psychological Association, San Diego, California.
104. Katz-Wise, S.L., **Budge, S.L.**, & Hyde, J.S. (2010, August). *Individuation or identification? Objectified body consciousness*. Poster presented at the Annual Meeting for the American Psychological Association, San Diego, California.
105. Solberg, V.S., Gresham, S.L., **Budge, S.L.**, & Phelps, A.L. (2010, August). *Impact of exposure to quality learning experiences on career development*. Paper presented at the Annual Meeting for the American Psychological Association, San Diego, California.
106. **Budge, S.L.** & Fluckiger, C. (2010, June). *Comparison of evidence-based-treatments versus treatment as usual: A meta-analysis*. Paper presented at the Annual Meeting for the Society for Psychotherapy Research, Asilomar, California.
107. **Budge, S.L.** & Howard, K.A.S. (2010, April). *Career decision-making in the transgender population: The role of barriers and discrimination*. Paper presented at the Annual Meeting for the American Educational Research Association, Denver, Colorado.
108. **Budge, S.L.**, Solberg, V.S., Phelps, L.A., Haakenson, K., & Durham, J. (2010, April). *Promising practices for implementing Individualized Learning Plans: Perspectives of teachers, parents, and students*. Paper presented at the Annual Meeting for the American Educational Research Association, Denver, Colorado.
109. Solberg, V.S., Gresham, S.L., Phelps, L.A., & **Budge, S.L.** (2010, April). *Identifying decision-making patterns and its impact on career development and workforce readiness*. Paper presented at the Annual Meeting for the American Educational Research Association, Denver, Colorado.
110. Katz-Wise, S.L., **Budge, S.L.**, & Hyde, J.S. (2010, March). *Objectified body consciousness and the mother-adolescent relationship*. Poster presented at the Biennial Meeting for the Society for Research on Adolescence, Philadelphia, Pennsylvania.
111. **Budge, S. L.**, Tebbe, E. N., Katz-Wise, S. L., Schneider, C. L., & Howard, K. A. (2009, August). *Workplace transitions: Work experiences and the impact of transgender identity*. Paper presented at the Annual Meeting of the American Psychological Association, Toronto, Ontario, Canada.
112. Katz-Wise, S. L., **Budge, S. L.**, & Schneider, C. L. (2009, August). *Navigating the gender binary: A qualitative study of transgender identity development*. Paper presented at the Annual Meeting of the American Psychological Association, Toronto, Ontario, Canada.
113. Nelson, M. L., Thompson, M. N., Huffman, K. L., & **Budge, S. L.** (2009, August). *Development and further validation of the social class identity dissonance scale*. Paper presented at the Annual Meeting of the American Psychological Association, Toronto, Ontario, Canada.
114. Dvorscek, M., **Budge, S. L.**, Bluemner, J. L., & Valdez, C. R. (2009, August). *Health care provider perspectives on Latino patients with depression*. Poster presented at the Annual Meeting of the American Psychological Association, Toronto, Ontario, Canada.
115. Neumaier, E. R., **Budge, S. L.**, Bohlig, A. J., Doolin, E. M., & Nelson, M. L. (2009, August). *I feel masculine but they think I'm feminine: Toward measuring*

- experienced gender role.* Poster presented at the Annual Meeting of the American Psychological Association during the Division 17 Social Hour, Toronto, Ontario, Canada.
116. Doolin, E. M., Graham, S. R., Hoyt, W. T., **Budge, S. L.**, & Bohlig, A. J. (2009, January). *Out and about in the South: Defining lesbian communities.* Poster presented at the National Multicultural Conference and Summit, New Orleans, LA.
 117. **Budge, S. L.**, Tebbe, E. N. & Howard, K. A. S. (2009, January) *Transgender individuals' work experiences: Perceived barriers, discrimination, and self-efficacy.* Paper presented at the Annual Meeting of the Career Conference, Madison, WI.
 118. Howard, K. A. S., **Budge, S. L.**, Jones, J., & Higgins, K. (2009, January). *Future plans of urban youth: A qualitative analysis of influences, barriers, & coping strategies.* Paper presented at the Annual Meeting of the Career Conference, Madison, WI.
 119. **Budge, S.**, Schneider, C., Rodriguez, A., Katz-Wise, S., Tebbe, E., & Valdez, C. (2008, August). *The emotional roller coaster: Transgender experiences of positive and negative emotions.* Poster presented at the Annual Meeting of the American Psychological Association, Boston, MA.
 120. Nelson, M. L., Huffman, K. & **Budge, S. L.**, (2008, August). *Initial validation of the Social Class Identity Dissonance Scale.* Poster presented at the Annual Meeting of the American Psychological Association, Boston, MA.
 121. **Budge, S. L.**, Schneider, C., Rodriguez, A., & Howard, K. A. S. (2008, January) *What about the "T"?: Career counseling with transgender populations.* Paper presented at the Annual Meeting of the Career Conference, Madison, WI.
 122. Howard, K. A. S., McKay, K. M., & **Budge, S. L.** (2007, August) *Adolescents' use of SOC strategies: The interaction with low-income and high violence contexts.* Poster presented at the Annual Meeting of the American Psychological Association, San Francisco, CA.
 123. **Budge, S. L.** & Sherry, A. (2007, August) *The influence of gender role on sexual compliance: A preliminary investigation of LGB relationships.* Poster presented at the Annual Meeting of the American Psychological Association, San Francisco, CA.
 124. Howard, K. A. S., Solberg, V. S., & **Budge, S. L.** (2007, August). *Designing culturally responsive school counseling career development programming for youth.* Paper presented at the Annual Meeting of the American Psychological Association, San Francisco, CA.
 125. Howard, K. A. S., Jones, J. E., **Budge, S.**, Gutierrez, B., Lemke, N., Owen, A., & Higgins, K. (2007, April). *Academic and career goals of high school youth: processes and challenges.* Paper presented at the Annual Meeting of the American Educational Research Association, Chicago, IL.

REGIONAL PRESENTATIONS

Underlining denotes student;

1. Dominguez, S. Jr., Matsuno, E., **Budge, S. L.**, & Tebbe, E. (2021, September). *Gender, Resilience and Resistance, Empowerment, and Affirmation Training.* Training provided at the University of Wisconsin-Madison via Zoom.

2. Dominguez, S. Jr., & Budge, S. L. (2021, May). *Microaggressions, communication, and power dynamics*. Workshop presented at the Madison Inclusive Leadership Conference, Madison, Wisconsin.
3. Tebbe, E.A. & **Budge, S.L.** (2021, April). *Transforming healing spaces: Tips and considerations in creating trans affirming spaces*. Workshop provided at the Wisconsin LGBTQ Health Summit, Madison, Wisconsin.
4. **Budge, S.L.**, Lindley, L., & Dominguez, S. (2021, February). Supporting mental health care for TNB clients. School of Social Work, University of Wisconsin-Madison, Madison, Wisconsin.
5. **Budge, S.L.** (2020, September). *Recruiting LGBTQ populations*. Symposium for Research Administrators. Madison, Wisconsin.
6. **Budge, S.L.** (2020, September). *Best practices for conducting research with LGBTQ populations*. Institute for Clinical and Translational Research training for researchers at the University of Wisconsin-Madison. Madison, Wisconsin.
7. **Budge, S.L.** (2019, April). *Trans affirmative therapy: Therapy for trans and nonbinary clients beyond the "101."* Workshop provided at the Wisconsin LGBTQ Health Summit, Madison, Wisconsin.
8. Guo, E., Mauk, E., & Budge, S.L. (2018, November). *Minority stress interventions in a psychotherapy pilot trial for transgender clients*. Paper presented at the Annual Meeting for the Wisconsin Counseling Association, Madison, Wisconsin.
9. **Budge, S.L.** (2018, November). *Mental Health and Wellbeing: Trans, Nonbinary, and Gender Nonconforming People*. Paper presented at the Annual Midwest Family Medicine Conference, Madison, Wisconsin.
10. Dyer, R. L., Budge, S. L., Botsford, J., Andert, B., Rehm, J., & Allen, B. (April 2018). *Supporting trans youth in rural Wisconsin*. Symposium presented at the 2018 Wisqueer Conference, Madison, Wisconsin.
11. Dyer, R. L., Budge, S. L., Botsford, J., Andert, B., Rehm, J., & Allen, B. (April 2018). *Trans youth needs assessment survey results: Nonmetropolitan-metropolitan differences in perceived safety at school for Wisconsin trans and nonbinary youth*. Poster presented at the 2018 Wisconsin Psychological Association Convention, Appleton, Wisconsin.
12. **Budge, S.L.** & Bostford, J. (February, 2018). *Trans experiences in Mental Health*. Symposium presented at the 2018 Wisconsin LGBTQ Summit, Milwaukee, Wisconsin.
13. Dyer, R. L., Budge, S. L., Botsford, J., Andert, B., Rehm, J., & Allen, B. (February 2018). *Supporting trans youth in rural Wisconsin*. Symposium presented at the 2018 Wisconsin LGBTQ Summit, Milwaukee, Wisconsin.
14. **Budge, S.L.** (2017, September). *Transgender individuals and minority stress: The past, present, and future*. Research talk presented for the UW Department of Psychology Diversity series.
15. **Budge, S.L.** and Karcher, O. (2017, May). *Supporting trans youth and their mental health needs, Part 2*. Paper presented at the Supporting Trans and Gender Expansive Youth conference, Madison, Wisconsin.
16. **Budge, S.L.** (2016, October). *Supporting trans youth and their mental health needs*. Paper presented at the Supporting Trans and Gender Expansive Youth conference, Madison, Wisconsin.

17. **Budge, S.L.** (2013, November). *Incorporating an IPT approach with transgender clients*. Paper presented at the Annual Kentucky Psychological Association Conference, Lexington, Kentucky.
18. **Budge, S.L.** (2013, April). *Using interpersonal therapy with transgender clients*. Workshop provided at the Annual University of Florida Interdisciplinary Conference on LGBT Issues.
19. **Barr, S. M. & Budge, S. L.** (2013, April). *The role of identity integration in the emotional well-being of post-transition individuals*. Poster presentation at the Kentucky Psychological Association Student Research Conference, Louisville, Kentucky.
20. **Orovecz, J., Thai, J.L., & Budge, S.L.** (2013, April). *"I'm stoked about life": The emotional processes of trans men through a qualitative lens*. Poster presented at the Spring Research Conference, Lexington, Kentucky.
21. **Rossman, K. & Budge, S.L.** (2013, April). *Genderqueer individuals' mental health concerns: The relationship between social support and coping*. Paper presented at the Spring Research Conference, Lexington, Kentucky.
22. **Barr, S. M. & Budge, S. L.** (2013, April). *The role of identity integration in the emotional well-being of post-transition individuals*. Poster presented at the Spring Research Conference, Lexington, Kentucky.
23. **Rossman, K. & Budge, S.L.** (2013, June). *Just the fact that I commanded that respect - I got the privilege: Qualitative examination of privilege in the trans community*. Paper presented at the Spring Research Conference, Lexington, Kentucky.
24. **Keller, B.L., Barr, S.M., & Budge, S. L.** (2013, April). *"For every bad, there's 40 good things that happen": A qualitative approach to understanding the positive emotional experiences of trans women*. Poster presentation at the Spring Research Conference, Lexington, Kentucky.
25. **Orovecz, J., Thai, J.L., & Budge, S.L.** (2013, April). *"I'm stoked about life": The emotional processes of trans men through a qualitative lens*. Presented at the Spring Research Conference, Lexington, Kentucky.
26. **Orovecz, J., Thai, J.L., & Budge, S.L.** (2013, March). *"I'm me, and I'm proud to be me": A grounded theory analysis of trans men's emotional processes*. Presented at the Kentucky Psychological Association Foundation Spring Academic Conference, Louisville, Kentucky.
27. **Eleazer, J. R. & Budge, S. L.** (2013, March). *"It would be better for them to have a dead hero for a father than a freak:" Suicidality and trans military service*. Poster presented at the Kentucky Psychological Association Spring Academic Conference, Louisville, Kentucky.
28. **Sinnard, M., Rossman, K., & Budge, S. L.** (2013, March). *Positive emotional experiences of gender non-binary identified individuals*. Poster presentation at the Kentucky Psychological Association Student Research Conference, Louisville, Kentucky.
29. **Barr, S.M., Stahl, A., Manthos, M., & Budge, S.L.** (2012, November). *"It means there aren't rules and you don't have to ascribe to a specific binary": A qualitative examination of genderqueer identity*. Paper presented at the Chicago LGBTQ Health and Wellness Conference, Chicago, Illinois.
30. **Thai, J.L., Orovecz, J., & Budge, S.L.** (2012, November). *Trans men and positivity: Emotional processes related to identity*. Paper presented at the Chicago LGBTQ Health and Wellness Conference, Chicago, Illinois.

31. **Budge, S.L., Barr, S.M., Orovecz, J., & Rossman, H.K.** (2012, November). *Clinical work with LGBT youth*. Workshop provided at the Annual Kentucky Psychological Association Conference, Louisville, Kentucky.
32. **Budge, S.L., Lee, S., & Monahan-Rial, V.** (2011, February). *Bridging institutional gaps: Utilizing transgender-affirmative therapy with college students*. Workshop presented at the Annual Meeting for the Big 10 College Counseling Center Conference, Minneapolis, Minnesota.
33. Lee, J., **Budge, S.L., Wilson, J.L., & Roper, J.M.** (2011, February). *The Korean Conundrum: Managing stigma in the recruitment of group counseling members*. Workshop presented at the Annual Meeting for the Big 10 College Counseling Center Conference, Minneapolis, Minnesota.
34. **Budge, S.L. & Katz-Wise, S.L.** (2010, February). *Transition to adulthood: Developmental steps for transgender individuals*. Workshop presented at the Conference on Transgender and Gender Variant Youth, Madison, Wisconsin.
35. **Budge, S.L.** (2009, October). *Individualized Learning Plans: Parent, student, and educator focus groups*. Paper presented at the Fall Institute for the National Collaborative on Workforce and Disability/Youth, Charleston, South Carolina.

KEYNOTE AND INVITED PRESENTATIONS

1. **Budge, S.L. & Hamer, J.** (2022, December). Diversity Management Strategies to Improve Cross-Cultural and Intercultural Communication in Research Teams. Invited training to the Center for Innovations in Quality, Effectiveness, and Safety at the Houston Veterans Affairs, Houston, Texas.
2. **Budge, S.L.** (2022, November). Community-Based Research: A Step-By-Step Guide to Starting and Implementing Research Team and Community Feedback. University of Arkansas Department of Psychiatry and Behavioral Sciences and South Central MIRECC for Veterans Affairs, Little Rock, Arkansas.
3. **Budge, S.L.** (2022, October). Community-centered mental health. Workshop provided to LGBTQ+ Health Fellows in the School of Medicine and Public Health, University of Wisconsin-Madison, Madison, WI.
4. **Budge, S.L.** (2022, October). Barriers and Successful Outcomes in Recruiting Participants for Clinical Trial Research. Invited talk to the Center for Innovations in Quality, Effectiveness, and Safety at the Houston Veterans Affairs, Houston, Texas.
5. **Budge, S.L.** (2022, October). Lessons learned from being an expert witness in discrimination trials. Invited talk University of Wisconsin-Madison Law School, University of Wisconsin-Madison, Madison, Wisconsin.
6. **Budge, S.L.** (2022, October). LGBTQ+ Advocacy and Activism in Psychology. Invited talk at Clark University, Worcester, Massachusetts.
7. **Budge, S.L.** (2022, October). Reducing barriers to accessing mental health care for Two Spirit, trans, and nonbinary people of color: An open clinical trial. Invited talk at Arizona State University, Tempe, Arizona.
8. **Budge, S.L. & Tebbe, E.A.** (2022, July). Attending to internalized stigma in psychotherapy with Two Spirit, Transgender, and Nonbinary Clients. Workshop provided to Sondermind Therapy. Virtual workshop.

9. **Budge, S.L.** (2022, July). Best practices in supporting trans and nonbinary youth. School of Education Early Career Institute, University of Wisconsin-Madison, Madison, Wisconsin.
10. **Budge, S.L.**, (2022, April). Reducing barriers to accessing mental health care for Two Spirit, trans, and nonbinary people of color: An open clinical trial building upon lessons learned. Invited talk to the Center for Innovations in Quality, Effectiveness, and Safety at the Houston Veterans Affairs, Houston, Texas.
11. **Budge, S.L.**, (2022, April). Conducting psychotherapy research with transgender and nonbinary populations: CBPR Methods and Lessons Learned. University of Arkansas Department of Psychiatry and Behavioral Sciences and South Central MIRECC for Veterans Affairs, Little Rock, Arkansas.
12. **Budge, S.L.** (2022, April). Queering networking. Workshop provided by the APA Division 44 Science Committee. Virtual workshop.
13. **Budge, S.L.** (2022, April). Queering research. Workshop provided by the APA Division 44 Science Committee. Virtual.
14. **Budge, S.L.** (2022, April). Providing evidence-based psychotherapy to transgender and nonbinary clients: Beyond the basics. Keynote presented at the Kentucky Psychological Association conference in Louisville, KY.
15. **Budge, S.L.** Dominguez, Jr., S., & Lee, J. (2022, March). Providing trans affirming care to youth. Intern seminar at the Wisconsin Psychiatric Institute and Clinics, University of Wisconsin-Madison.
16. **Budge, S.L.**, Dominguez Jr., S., & Norton, M. (2022, February). Incorporating radical healing and addressing internalized transnegativity in psychotherapy for transgender, Two Spirit, and nonbinary people of color: A community-based participatory research approach. Workshop provided to the School Psychology Department, University of Wisconsin-Madison.
17. Tebbe, E.A. & **Budge, S.L.** (2022, January). LGBTQ identity development in young people. Training provided to the Central Wisconsin Health Partnership, Appleton, Wisconsin.
18. **Budge, S.L.** & Tebbe, E.A. (2021, December). Providing Trans-Affirming Therapy to Two-Spirit, Transgender, and Nonbinary Clients: The Basics. Workshop provided to Sondermind Therapy.
19. **Budge, S.L.** (2021, October). Psychotherapy with Two-Spirit, Transgender, and Nonbinary Patients. Grand Rounds provided at Westchester Medical Center/New York Medical College, Westchester, NY.
20. Dominguez, S. Jr., & **Budge, S. L.** (2021, October). Healthcare Discrimination Toward LGBTQ+ People & Discrimination-Related Ruptures, Department of Health Services Learning Community Conference, Madison, Wisconsin
21. **Budge, S. L.** (2021, October). Supporting LGBTQ+ community members, Department of Health Services Learning Community Conference, Madison, Wisconsin
22. **Budge, S.L.** & Tebbe, E.A. (2021, July). Beyond the basics: Recommendations for practitioners writing letters of support. Workshop provided to American Psychological Association Division 17 Members.
23. **Budge, S.L.** (2021, February). Conducting psychotherapy research with trans and nonbinary populations. Presented to the Counseling Psychology department at the University of British Columbia, Vancouver, Canada.

24. **Budge, S.L.** & Dominguez, S. Jr. (2019, November). *Mental health care for transgender, nonbinary, and gender nonconforming clients*. Presented to practitioners at Group Health Cooperative Insurance, Madison, Wisconsin.
25. °**Budge, S.L., Dominguez, S.Jr., Mauk, E., & Sweetnam, M.** (2018, October). *School of Education: At the forefront of transgender studies*. Presented to the Board of Visitors at the School of Education—University of Wisconsin-Madison.
26. °**Budge, S.L. & Mauk, E.** (2017, May). *Health and well-being of LGBTQ students: Lessons learned and recommendations for educators*. Invited presentation at the CESA Conference, Madison, Wisconsin.
27. °**Budge, S.L.** (2016, March). *The construction of gender identity as “disordered”: A critical examination of mental health using trans narratives*. Invited presentation at the Women’s and Gender Studies Forum at the University of Florida, Gainesville, Florida.
28. °**Budge, S.L.** (2016, March). *Understanding, acknowledging, and responding to LGBTQ microaggressions in health care settings*. Keynote provided at the Florida Area Health Education Center, Gainesville, Florida.
29. °**Budge, S.L.** (2014, September). *Positivity in trans populations: Implications for vocational psychology*. Boston University, Boston, Massachusetts.
30. °**Budge, S.L.** (2013, April). *Future directions for research and therapy with trans and gender diverse individuals*. Keynote provided at the Annual University of Florida Interdisciplinary Conference on LGBT Issues.
31. °**Budge, S.L.** (2013, March). *The psychology of sexual orientation and gender identity: future directions and implications*. Keynote provided at the East Texas Psi Chi Student Research Conference, Tyler, Texas.

NATIONAL RESEARCH BRIEFINGS

1. **Budge, S.L., & Solberg, V.S.,** (2010, March) *Career exploration and the use of career narrative data for high school students’ career exploration processes: A United States sample*. Research briefing presented at the Department of Labor, Washington, D.C.
2. **Budge, S.L., Solberg, V.S., & Phelps, A.L.** (2010, March) *Individualized Learning Plans within a community-oriented approach: The usefulness of focus group data with parents, teachers, and students*. Research briefing presented at the Department of Labor, Washington, D.C.

INTERNATIONAL RESEARCH BRIEFINGS

1. **Budge, S.L., & Solberg, V.S.,** (2010, February) *A three-tiered approach to analyze the career decision making processes using focus group data with Singaporean parents, students, and staff*. Research briefing presented at the Ministry of Education, Singapore.
2. **Budge, S.L., & Solberg, V.S.,** (2010, February) *Use of narrative analysis for high school students’ career exploration processes: A Singapore Sample*. Research briefing presented at the Ministry of Education, Singapore.

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BLOGS

Paquin, J., Tao, K., & **Budge, S.L. (2020)**. *Is psychotherapy effective for everyone?*.
<https://www.apa.org/pubs/highlights/spotlight/issue-192>

Budge, S.L. (2015). *Critical considerations in writing letters for trans clients*.
<https://societyforpsychotherapy.org/critical-considerations-in-writing-letters-for-trans-clients/>

PROFESSIONAL SERVICE**Associate Editor**

<i>Psychotherapy</i>	1/2014 – 1/2022
<i>Psychology of Sexual Orientation and Gender Diversity</i>	8/2020 -- current

Guest Editor of Special Sections

<i>Psychotherapy</i>	5/2019
<i>Journal of Counseling Psychology</i>	12/2017
<i>Psychology of Sexual Orientation and Gender Diversity</i>	12/2017
<i>Psychotherapy</i>	9/2016

Editorial Board

<i>Psychotherapy</i>	1/2011 – 12/2013
<i>Archives of Sexual Behavior</i>	1/2014 – 12/2016
<i>Psychology of Sexual Orientation and Gender Diversity</i>	1/2016 – 8/2020
<i>International Journal of Transgender Health</i>	1/2016 – current
<i>LGBTQ+ Family: An Interdisciplinary Journal</i>	9/2022 - current

Ad Hoc Reviewer: Journal of Consulting and Clinical Psychology, Clinical Psychology Review, Journal of Counseling Psychology, The Counseling Psychologist, Feminism and Psychology, Psychology of Religion and Spirituality, Psychology of Women Quarterly, Journal of GLBT Family Issues, BioMed Central Journal, The Cognitive Behavior Therapist, Psychotherapy Research, Routledge Publishers, Harvard University Press, Family Process

Leadership in Professional Organizations**Co-Chair of Division 17 Special Task Group****8/2019 – 8/2020**

"Building a Trans and Nonbinary Pipeline into Counseling Psychology." This special task group included giving a free webinar about increasing access for trans and nonbinary students into doctoral psych programs, creating a curriculum guide for psychology courses, and supporting a research project that focused on trans and nonbinary students' experiences in counseling psychology programs

Co-Chair of Division 44 Science Committee**8/2011 – 8/2021**

Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues (Division 44)

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Membership in Professional Organizations

American Psychological Association (APA)

- Society of Counseling Psychology (Division 17)
- Division of Psychotherapy (Division 29)
- Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues (Division 44)

World Professional Association for Transgender Health (WPATH)

Exhibit

Bibliography

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

DECLARATION OF DIANA BRUCE

DECLARATION OF DIANA BRUCE

I, Diana Bruce, hereby declare as follows:

1. I make this declaration based on my own personal knowledge. If necessary, I could and would testify to these facts and circumstances.

2. I am the former Director of Health and Wellness for the District of Columbia Public Schools (“DCPS”). I held this position from October 2008 until January 2019. I am currently a consultant based in the Washington, D.C. area, focusing on gender inclusivity, diversity, and health equity in schools.

3. I received my Bachelor of Arts in Journalism from the University of Texas at El Paso in 1994. In 1997, I received my masters of Public Administration and Policy from the Columbia University School of International and Public Affairs. I also hold a certificate from Cornell University in diversity, equity, and inclusion.

4. DCPS educates nearly 50,000 students across 118 schools in Washington, D.C.

5. Consistent with the District of Columbia’s non-discrimination laws, as they were amended in 2006 to include gender identity and expression, DCPS has been providing transgender students with access to restroom and locker room facilities consistent with their gender identity since 2006. Data from the U.S. Centers for Disease Control and Prevention indicates that between 2% and 3% of middle and high school students in the District of Columbia identify as transgender. *See* Office of the State Superintendent of Education, 2021, Washington, D.C. Youth Risk Behavior Survey Data Files, available at <https://osse.dc.gov/page/2021-dc-yrbs-data-files>.

6. During my time with DCPS, I regularly consulted with other school administrators around the country about DCPS’s experience with inclusive policies for transgender students, and learned from other schools’ experiences. Drawing in part from those resources, we determined that it would be appropriate for DCPS to adopt a formal set of guidelines regarding those policies to ensure that everyone was aware of and understood them.

7. In June 2015, I led the effort surrounding DCPS's adoption of formal guidance regarding transgender students' access to school facilities, which codified our practice of allowing those students to use restroom and locker room facilities consistent with their gender identity. In addition, the policy also addresses many related matters, such as the procedure to change a student's name in the school's records, resources for teachers of transitioning students, enforcement of dress code, and so forth. The official policy that DCPS adopted formalized and superseded the informal policy that had been in place since 2006 and generally expounded upon DCPS's existing non-discrimination policy.

8. According to the 2015 policy guidance, if one student expresses discomfort with sharing facilities with a transgender student, the school will make another restroom available to the first student. During my time with DCPS, there were a few occasions where a parent called my office to ask about our policy. But no school reported to me that any students ever asked to use a different restroom.

9. In my capacity with DCPS, my goal was to make sure that every young person was as present and engaged in their academic work as possible. We determined at a very early point that promoting a safe and welcoming environment in schools helped promote these positive tendencies among DCPS's students, and therefore helped us reach that goal.

10. When we created the 2015 policy, we consulted with school administrators from around the country. In particular, we drew upon the Los Angeles Unified School District's policy, which had been in place for many years with great success. Armed with this information, we formed a new committee consisting of approximately 20-30 community advocates, teachers, students, and parents, which helped steer the development of the new policy.

11. When we developed the 2015 DCPS policy, we also consulted with DCPS's own

administrators, teachers, faculty, and students regarding their experiences with transgender students in our district. We discovered that when transgender students were unsure about whether they could use the restroom that matches their gender identity, many said that they simply avoided school restrooms for the entire length of the school day.

12. That kind of distraction—and possible health risk—cannot possibly help students learn. As educators, we do not want students preoccupied with avoiding restrooms when they should be present in the classroom and focusing on learning. We decided that a clear set of guidelines regarding restroom and locker room facilities would help transgender students feel more like any other student in their school, rather than outsiders.

13. The 2015 DCPS policy that we created was not difficult to adopt, and it did not present any lingering issues in our schools. In my experience, students are comfortable with a policy that requires equal treatment among students. They can understand and empathize with someone who just wants to use the restroom. If anything, in our experience any minor disruption was due to staff members' inconsistency before implementation of the formal policy, rather than student activity. This was why we determined that clear, formalized guidance regarding transgender students' use of locker room and restroom facilities in accordance with their gender identities was important and necessary for schools, as was training for teachers and administrators. By the time I left DCPS, we had trained thousands of DCPS personnel, including principals, school staff, faculty, and some parents.

14. Implementing the 2015 policy in DCPS's schools was a straight-forward process. In reality, all schools deal with a very wide variety of issues related to locker room and restroom

use, including student behavioral issues, which are completely unrelated to a student's gender identity.

15. We heard some concerns about the 2015 policy at first, typically from adults rather than DCPS students. These concerns usually involved hypothetical issues of student safety or privacy in the school restrooms or locker rooms. During my time with DCPS, I am aware of only one incident involving a transgender student's use of these facilities, and in that case it was the transgender student who was confronted by other students who were unaware that DCPS policy permitted her to use the girls' restroom. Those students, once informed of the policy, did not indicate any further concern. This was a blip on the radar that further indicated the need for clear written policies. Otherwise, no concerns materialized.

16. Similarly, when I conducted my regular trainings of DCPS staff, there were some occasions where staff members would ask hypothetical questions to understand the contours of DCPS's policy as it related to student privacy and safety. In my experience, the scenarios they suggested remained hypothetical and did not play out in reality. For instance, I am not aware of a single instance where a cisgender student pretended to be transgender in order to access sex-separated facilities.

17. Like other students, transgender students just want to use the restroom at school and be safe when they do it. And contrary to some concerns, transgender students are not interested in walking around restrooms or locker rooms exposing themselves and examining other students' anatomy. This is based on a misconception of what it means to be transgender. Like everyone else, transgender students just want to learn and to get through the school day safely.

18. The results of DCPS's 2015 formal policy guidelines—which remain in place today—were overwhelmingly positive, not only for transgender students, but for all students, faculty, administrators, and the community. As educators, we have an obligation to make sure every student feels valued, included, and respected. By treating all students the same without regard to their gender identity, the policy removed a tremendous source of distraction from DCPS's students, helped foster a safe and welcoming learning environment among all DCPS students, promoted awareness of important student safety and privacy issues for all DCPS students, and even informed our decisions regarding new construction and renovation of restroom and locker room facilities in DC public schools.

19. Since I departed DCPS in 2019, I have remained in contact with colleagues who continue to work within the school system. Everything that I have learned from them regarding DCPS's experience remains consistent with everything I have described above.

20. In my private consulting practice since 2019, I have been retained by public and private schools who wish to make their schools more welcoming and inclusive of their transgender students. I have provided policy development, implementation, and training support to these schools to assist them in adopting inclusive policies. Their experience in the adoption of these policies has been positive.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12 day of May, 2023.



Diana Bruce

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

**DECLARATION OF FOSTER
“TRIPS” JONES**

DECLARATION OF FOSTER (“TRIPS”) JONES, B.A., M.A., M.S.C.

I, Foster (Trips) Jones III, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would testify competently to those facts if called as a witness.

2. I am currently the Assistant Principal of J.M. Atherton High School (“Atherton” or “Atherton High School”), which educates approximately 1,500 students in Louisville, Kentucky. Atherton is in the Jefferson County Public School District (“JCPS”). I became the Assistant Principal in 2017. Prior to that, I was a school counselor at Atherton High School from 2013–2017. Before that, I was a school counselor at a Department of Defense school in Yokosuka, Japan and at a middle school in Indiana. Prior to that, I taught eighth grade United States history in Indiana.

3. I earned a Bachelor of Arts in History from Bellarmine College in 1998, a Master of Arts in Teaching at Bellarmine College in 2001, a Master in School Counseling from Indiana University Southeast in 2006, and a certificate in Instructional Leadership for School Principals from Spalding University in 2016.

4. During my tenure at Atherton, the school has moved from being ranked 12th in Kentucky based on the American College Testing (ACT) exam, to being ranked 4th in the state by *U.S. News and World Report*. In 2022, Atherton High School became the first high school in Kentucky to receive the American School Counseling Association (ASCA)’s Model Program (RAMP) distinction. Schools are given the RAMP designation based on their data-driven approach to decision-making and for delivering services to all students in an exemplary educational environment.

5. Atherton is a very diverse school. Approximately 40% of students receive free or

reduced-price school lunches.

6. In June 2014, Atherton implemented a formal policy respecting students' gender identity, which includes access to sex-separated facilities like restrooms and locker rooms.

7. The policy came about because an Atherton student had identified herself as transgender to school administrators and wanted the school to treat her as a girl in all respects, including access to school restroom facilities. I had worked closely with the student in my capacity as the school counselor. I met with the student roughly a half dozen times. Over several years, I helped her navigate the emotions she faced at the time as she was undertaking the process of gender transition. To better educate myself on the needs of transgender students, and gender identity more broadly, I attended educational presentations organized by Atherton's Gay-Straight Alliance, read widely about gender identity and related topics, and studied background materials provided by our school's then principal, Dr. Thomas Aberli.

8. The student advocated for a change to Atherton's school bathroom policies. The student had several meetings with Dr. Aberli, with the goal of developing a new, gender inclusive bathroom policy. Dr. Aberli instituted a temporary policy that allowed students to use the locker room and bathroom that best matched their gender identity or gender expression, and that allowed any student to request to use a private bathroom for any reason. The policy was modeled off of a long-standing policy used by the Los Angeles Unified School District. Some members of the community expressed that inclusive policies might be fine for schools in California, but not in Kentucky. However, Dr. Aberli's view, which I share, is that the value of human life is the same in Kentucky as it is anywhere else.

9. Dr. Aberli wanted to formalize the policy via a public decision-making process. In JCPS, certain policies are delegated to individual schools via a twelve-member School-Based

Decision Making Council (SBDM Council), comprised of parents, teachers, administrators, and a student representative. The proposed bathroom policy went through this council. Dr. Aberli, in conjunction with the SBDM Council, sought input from school administrators, teachers, parents, and students. All evidence the committee considered was posted on the school's website. The school held several community meetings about the policy.

10. Three policies were considered: 1) keep the interim policy, 2) require students to use the facility associated with their sex assigned at birth, and 3) leave the decision up to the school principal.

11. The committee ultimately chose to continue with the interim policy. There was little community opposition to the policy; my sense at the time was that public opposition was primarily from people not affiliated with the Atherton school community.

12. The policy has been successful at our school. It has been a positive experience and has sent a strong signal to all students that Atherton High is a welcoming and inclusive school community. Our policy guarantees all students an equal right to privacy. Our experience has been that privacy has increased for all students as a result of this policy, particularly because any student who is uncomfortable with using a communal locker room or bathroom is able to use a private facility. There have been no privacy infractions, and this policy increases privacy by avoiding the need to "out" transgender students, as would occur if they were forced to use restrooms matching their birth-assigned sex.

13. Atherton has an admissions committee because it offers an International Baccalaureate program, and I have served on the admissions committee. Over the years, various students, including transgender students in particular, have expressed that they wanted to come to Atherton because it is such an inclusive, supportive environment, and that policies like this

one attract them to the school. It is my understanding that despite some initial opposition at public forums, there have been no complaints of incidents involving privacy issues as a result of implementing the policy. There are multiple transgender students at our school, and their use of restrooms or locker rooms has not been an issue. Since the policy was adopted, I would estimate that I have served as the assistant principal to more than 100 transgender students.

14. Nor have we experienced any issues with safety in our facilities related to the policy. There have been no reported instances of violence or assault related the policy. We have received no complaints from any students regarding safety issues created by the policy.

15. Since Atherton implemented its policy, our transgender students have thrived, and we have observed that students feel safer living in a manner consistent with their gender identity, knowing that our school supports them. In fact, the overwhelming reaction from all of our students has been both positive and supportive.

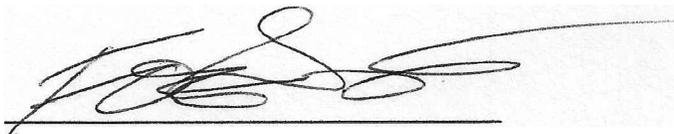
16. On March 29, 2023, state legislators in Kentucky overrode a gubernatorial veto to pass a ban on transgender students using the bathroom that aligns with their gender identity. Based on my experience at Atherton, I firmly believe that policies like this one will be psychologically and developmentally harmful to transgender students, without benefiting any other students. School administrators at Atherton are currently assessing any impact this state law might have on our school's policy.

17. I make this declaration from my own knowledge of the facts and circumstances set forth above. If necessary, I could and would testify to these facts and circumstances.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29 day of June, 2023.

A handwritten signature in black ink, appearing to read "Foster Jones", written over a horizontal line. The signature is stylized and cursive.

Foster "Trips" Jones

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

**DECLARATION OF OFFICER
MORGAN BALLIS, M.S. E.M.**

DECLARATION OF OFFICER MORGAN BALLIS, M.S. E.M.

I, Officer Morgan Ballis, hereby declare as follows:

1. I make this declaration based on my own personal knowledge and if necessary, I could and would testify to these facts and circumstances.

2. I am a Patrol Officer and full-time School Resource Officer (“SRO”) with the Hailey Police Department, in Hailey, Idaho. I also serve as the Hailey Police Department’s LGBTQ+ Liaison to the community.¹ I have more than 15 years of experience as a law enforcement educator, firearms instructor, and tactical trainer.

3. I submit this declaration to address Idaho Senate Bill 1100’s purported legislative findings that the law protects privacy and student safety from risks such as “sexual assault, molestation, rape, voyeurism, and exhibitionism.” Based on my law enforcement, security, and military background, I believe that these findings are inaccurate.

4. In preparing this expert declaration, I reviewed the text of Idaho Senate Bill 1100 (“S.B. 1100”) and Blaine County School District Policy 519.50, entitled “Gender Inclusion Policy.” I have reached my opinions by applying my expertise in school-related policing services, emergency preparedness, and crisis situations to the privacy- and safety-related issues raised by S.B. 1100. The experience, education, and training I have relied upon in preparing this expert declaration are the same types of experience, education, and training that experts in my field regularly rely upon when forming opinions on these subjects. I reserve the right to supplement these opinions based on subsequent developments in my field and/or factual developments in this litigation.

5. Within the last four years, I testified as an expert during an administrative hearing in *Police Benevolent Association of the City New York, Inc. v. New York City Police Department*.

¹ My testimony is offered in my individual capacity and not on behalf of my employer or any professional associations with which I am affiliated.

6. I am being compensated \$300 per hour for my work on this case. My compensation does not depend on the outcome of this litigation, the opinions I express, or the testimony I provide.

A. Background and Qualifications

7. My professional background, experiences, publications from the last 10 years, and presentations are detailed in my curriculum vitae. A true and correct copy is attached as Exhibit A to this declaration.

8. I began my career by serving more than 10 years in the infantry field of the United States Marine Corps. My work in the Marine Corps involved protecting critical assets and personnel overseas under the Combined Joint Task Force–Horn of Africa; and supporting federal law enforcement under the Joint Task Force–North, a multi-service operation by the United States Department of Defense for counterdrug and anti-terrorist operations. As an Infantry Unit Leader and Reconnaissance and Surveillance Team Leader I developed and conducted hundreds of hours of training for host-nation law enforcement partners. I received multiple military awards, including the Combat Action Ribbon (for engaging the enemy during combat operations), Navy and Marine Corps Commendation Medal (for actions as a Reconnaissance and Surveillance Team Chief), Navy and Marine Corps Achievement Medal (2nd Award) (for actions as an Infantry Unit Leader), and Marine Corps Good Conduct Medal (3rd Award) (for maintaining a disciplinary record above reproach).

9. In 2014, I became a National Rifle Association (“NRA”) Law Enforcement Instructor and founded an organization called Defensive Tactics and Firearms, for which I serve as the Chief Firearms Instructor. In that capacity I developed training curriculum focused on off-duty carry considerations and active shooter response for first responders. As part of this work, I

have been invited to observe and critique hundreds of hours of law enforcement training exercises in addition to developing my own curriculum. I have also trained and educated more than 8,000 citizens, law enforcement, and service members in tactics and firearms.

10. In 2018, I founded a consulting firm called the Campus Safety Alliance, which is a network of emergency management professionals, law enforcement trainers, and educational leaders providing evidence-based safety solutions for Pre-K-12 facilities and faith-based organizations serving children. Campus Safety Alliance ensures that clients are aligned with the Department of Homeland Security's National Preparedness mission goals by providing threat vulnerability assessments, developing policies and procedures, and conducting risk management training. Campus Safety Alliance has trained and educated more than 17,000 students, 2,500 educators, and 1,500 law enforcement and military personnel in active assailant response.

11. I am also a nationally recognized subject matter expert in School Active Assailant Events. As an active shooter response trainer for law enforcement and educators, I have presented my research and methodology at conferences across the U.S.

12. I obtained both Bachelor of Science and Master of Science degrees in Homeland Security & Emergency Management in 2017 and 2019 respectively, during which I focused my studies on understanding and preventing targeted attacks against schools. I am currently completing a Ph.D. in Emergency Management, and my dissertation focuses on active assailant events and response in pre-K through 12th grade facilities.

13. I hold a number of trainer certifications, including but not limited to:

- a. National Association of School Resource Officers (NASRO), Basic School Resource Officer
- b. Out to Protect, LGBT Awareness Trainer

- c. International Association of Directors of Law Enforcement Standards and Training (IADLEST), Nationally Certified Instructor
- d. Louisiana State University, National Center for Biomedical Research and Training (LSU, NCBRT), Law Enforcement Active Shooter Emergency Response Trainer
- e. Advanced Law Enforcement Rapid Response Training (ALERRT), Civilian Response to an Active Shooter Events Trainer and Active Attack Integrated Response Trainer
- f. San Diego County Office of Education Active Shooter Trainer
- g. ALiCE (Alert, Lockdown, Inform, Counter, Evacuate) Instructor
- h. Last Resort Firearms Training, Active Shooter Instructor
- i. Massad Ayoob Group, Deadly Force Instructor
- j. Tom Givens, Rangemaster Instructor
- k. Active Self Protection Instructor
- l. NRA, Training Counselor
 - A. Certified Rifle Instructor
 - B. Certified Pistol Instructor
 - C. Concealed Carry Weapon Instructor
 - D. Personal Protection Inside the Home Instructor
 - E. Personal Protection Outside the Home Instructor
- m. NRA, Refuse to Be a Victim Instructor
- n. U.S. Concealed Carry Association, Concealed Carry & Home Defense Instructor

B. School Resource Officer and LGBTQ+ Liaison Experience

14. I joined the Hailey Police Department in 2022 as a Patrol Officer and full-time School Resource Officer.

15. I serve as one of two full-time SROs with the Hailey Police Department, and I am assigned to work as the full-time SRO at Wood River High School, Silver Creek High School, and Alturas Elementary School in Hailey, Idaho. I work closely with the second full-time SRO, Shawna Wallace, who covers the other two schools in the City of Hailey. My duties involve investigating allegations of criminal incidents, and enforcing state and local laws and ordinances at my assigned schools and adjacent areas. The work that I have done with Officer Wallace has received national recognition from the National Association of School Resource Officers, which named the Hailey Police Department as a Model SRO Agency in 2023.

16. I use a variety of methods to educate the school community about safety issues and to stay informed about the full range of safety issues affecting school campuses. For example, I host “Cop Talks” in collaboration with the school news program to educate staff and students on Idaho laws, city ordinances, and the criminal justice system. I also host a variety of classroom discussions addressing issues such as the Fourth Amendment, bullying, substance abuse, mental health, anonymous reporting, and healthy relationships, among others. I maintain an open-door policy and students frequently seek me out to ask advice and to seek guidance in resolving various issues.

17. The Hailey Police Department’s work to make SROs a trusted safety resource has led to a noticeable improvement in student willingness to share allegations of misconduct with the SROs, which enhances our ability to promote a safe environment. In particular, our work has yielded an increased willingness among students to report incidents of sexual assault, and these

reports have led to numerous felony arrests. Notably, none of these incidents have involved a transgender student, much less a transgender perpetrator.

18. My SRO duties also include performing threat assessments, risk assessments, and suicide assessments. As part of this work I function as an emergency manager for the Blaine County School District, helping them develop and revise their safety and emergency crisis preparation and building security protocols, training staff on safety and prevention procedures, and making improvements in how the schools perform their emergency drills and training for staff and students by implementing trauma-informed practices.

19. I am the President of the Idaho Association of School Resource Officers (“IDASRO”), a nonprofit organization that disseminates information about best practices for teaching students about good citizenship and community responsibility, and advocates for school law enforcement issues. In particular, IDASRO focuses on advocating for evidence-based and trauma-informed school safety practices; continuing education for SROs with a dedication to being lifelong learners alongside staff and students; and creating equity in K-12 emergency management systems. The organization maintains contact with roughly 205 SROs across the state of Idaho, who use the organization as a resource to discuss trends in safety issues within the schools.

20. I also serve as the Hailey Police Department’s LGBTQ+ Liaison. Although I am not a member of the LGBTQ+ community, I advocated for the creation of this Liaison position after being hired by the Hailey Police Department. I see one of the core functions of my job as supporting students, especially those that tend to have higher rates of suicide, victimization, and homelessness. LGBTQ+ students share all of those vulnerabilities, which made it important to

me to help create and serve in this position.²

21. In my role as the Hailey Police Department's LGBTQ+ Liaison, I serve as the point of contact for organizations and individuals in the LGBTQ+ community, serve as a resource for and assist with investigations of cases involving members of the LGBTQ+ community, and provide training to police agency personnel on issues relating to gender identity and sexual orientation. I regularly attend LGBTQ+ meetings at the schools and in the larger community, including meetings for the Wood River High School Pride Club, the Wood River High School Gay Straight Alliance, and Parents and Friends for Lesbians and Gays.

C. S.B. 1100 Does Not Advance Any Interests in School Safety and Privacy

22. Based on my experience and training, it is my opinion that a law like S.B. 1100 not only fails to advance its claimed interests in preventing "sexual assault, molestation, rape, voyeurism, and exhibitionism" and protecting privacy, but risks undermining those interests. I begin this discussion with an overview of the Blaine County School District's policy of equal treatment for transgender students in sex-separated facilities and programs, which helps illustrate several key points.

23. In 2016, Blaine County School District adopted a Gender Inclusion Policy (Code 519.50).³ The Blaine County School District serves more than 3,000 students within eight different schools, educating students from kindergarten through 12th grade.⁴ There are nearly

² Price-Feeney, M., et al., *Impact of Bathroom Discrimination on Mental Health Among Transgender and Nonbinary Youth*, J. ADOLESC. HEALTH 68(6):1142-1147 (June 2021) ("Price-Feeney, *Impact of Bathroom Discrimination*"), doi: 10.1016/j.jadohealth.2020.11.001; The Trevor Project, *Homelessness and Housing Instability Among LGBTQ Youth* (2022), <https://www.thetrevorproject.org/wp-content/uploads/2022/02/Trevor-Project-Homelessness-Report.pdf>.

³ See <https://go.boarddocs.com/id/bcsd61/Board.nsf/Public?open&id=policies#>.

⁴ See <https://www.blaineschools.org/domain/129>.

1,500 students attending the three schools to which I am assigned as the full-time SRO.⁵

24. The Gender Inclusion Policy (also, the “Policy”) recognizes that “[a]ll students need a safe, supportive school environment to progress academically and developmentally,” and provides that its purpose is to “facilitate compliance with applicable laws” and foster an educational environment “that is safe, supportive, and fully inclusive for all students, regardless of gender identity or gender expression.” The policy respects students’ gender identity by providing that schools will use their chosen name and pronouns, and allows them to adhere to the dress code provisions that match their gender identity.

25. Students and their parents are provided an opportunity to place the student’s gender identity on their school registration record. Students are then permitted to participate in sex-separated activities, including physical education and health classes, in accordance with their gender identity. Students must also use the restrooms and locker rooms that match the gender identity on their registration form.

26. Nothing about respecting the gender identity of transgender students harms the safety of any other student, and instead policies like this one are important to protect the safety of transgender youth. That is why S.B. 1100’s categorical ban on any inclusive policies such as this one fails to advance its stated interests. Because inclusive policies like the one Blaine County School District do not harm any cisgender students, categorically banning such policies serves only to undermines the safety of transgender students, who are the most vulnerable.

27. In general, to the extent there are safety risks in facilities such as school restrooms, it is overwhelmingly students who are transgender who tend to be the victims of such

⁵ *Id.*

incidents.⁶ LGBTQ+ students, and especially transgender students of color, are at far greater risk of harassment and bullying than others, and thus are far more likely to be the victims of misconduct and criminal behavior.⁷ S.B. 1100, on the other hand, not only bans inclusive policies that pose no appreciable risk to anyone, but has the potential to increase victimization by forcing transgender students out of the restrooms and facilities matching their gender identity.⁸ This may have the effect of revealing a student's transgender status to others who may not know that fact, which can increase the risk of victimization, and deprive transgender students of any meaningful access to restrooms during the school day. No one's safety is enhanced by such a measure, and instead the already vulnerable population of transgender students is placed at greater risk.⁹

28. Additionally, S.B. 1100 does not provide any useful or meaningful law enforcement tools to protect student safety. As the Gender Inclusion Policy itself recognizes,

⁶ Truman, J.L., et al., U.S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Violent Victimization by Sexual Orientation and Gender Identity, 2017–2020* (June 2022), <https://bjs.ojp.gov/content/pub/pdf/vvsogil720.pdf>; Johns, M.M., et al., U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students — 19 States and Large Urban School Districts, 2017*, MORBIDITY AND MORTALITY WEEKLY REPORT 68(3):67–71 (Jan. 25, 2019), doi: <http://dx.doi.org/10.15585/mmwr.mm6803a3>; Johns, M.M., et al., U.S. Dep't of Health and Human Services, Centers for Disease Control and Prevention, *Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students - Youth Risk Behavior Survey, United States, 2015-2019*, MORBIDITY AND MORTALITY WEEKLY REPORT SUPPL. 69(1):19-27 (Aug. 21, 2020), doi: 10.15585/mmwr.su6901a3; Rostad, W.L., et al., *Substance Use and Disparities in Teen Dating Violence Victimization by Sexual Identity Among High School Students*, PREVENTION SCIENCE 21(3):398-407 (April 2020), doi: 10.1007/s11121-019-01049-7.

⁷ See footnote 6, *supra*.

⁸ GLSEN, Inc., et al., *Separation and Stigma: Transgender Youth & School Facilities* (2017), https://www.glsen.org/sites/default/files/2019-11/Separation_and_Stigma_2017.pdf.

⁹ Price-Feeney, *Impact of Bathroom Discrimination*; Hatzenbuehler, M.L., et al., *Protective school climates and reduced risk for suicide ideation in sexual minority youths*, AM. J. PUBLIC HEALTH 104(2):279-86 (Feb. 2014), doi: 10.2105/AJPH.2013.301508.

SROs are already equipped with all the tools necessary to address misconduct and safety issues. The Policy recognizes that misconduct is punishable under other existing policies that deal directly with the prohibited behavior, stating:

Bullying, Harassment, and Discrimination Prohibition

Prohibited behaviors are listed in Bullying, Intimidation, and Harassment Policy 506.50.

Reporting of incidents, investigation, disciplinary actions, referral to law enforcement, and protection against retaliation are outlined in the Bullying Intimidation and Harassment Policy 506.50.

If there is a concern that the harassment may be sexual in nature, the building administrator should consult with their building harassment investigation representative.

29. A law like S.B. 1100 that excludes vulnerable transgender students from essential facilities like restrooms, in a way that risks making them a target, adds nothing to the existing tools which already address safety concerns.

30. With respect to S.B. 1100's concern with "protecting the privacy ... of all students," the Gender Inclusion Policy also recognizes and already accounts for this interest. The Policy recognizes that "[a]ll students have a right to privacy," which "includes the right to keep one's transgender status private at school." I am not aware of transgender students engaging in conduct posing any privacy risks to others in the state of Idaho. Instead, as the Policy acknowledges, the real privacy risk comes from forcing transgender students to reveal their identity to others, in contexts when it may not be safe for them to do so.

31. I do not collect information or directly ask students to reveal whether they are transgender and using facilities that match their gender identity because it does not serve any law enforcement purpose. Nonetheless, during both my time as an SRO, and the five-year tenure of my colleague Ms. Wallace as an SRO in the school district, I am not aware of any reports of transgender students engaging in misconduct while in facilities matching their gender identity,

nor of any reports of cisgender students pretending to be transgender to gain illicit access to the other sex's sex-separated facilities. I would be likely to know of such incidents were they to occur based on my work as an SRO, my support of all eight schools in the district as an emergency management and threat assessment resource, my close work with Officer Wallace, and because most school personnel contact me when they need to report any misconduct.

32. As mentioned above, through my work as the President of the Idaho Association of School Resource Officers, I am able to monitor discussions among approximately 205 SROs statewide as they discuss trends and patterns in safety challenges. These discussions often involve issues such as drug use, TikTok challenges that may pose health and safety risks to our students, and sexual assault. Despite the fact that multiple schools in Idaho follow inclusive policies or practices like the one in Blaine County School District¹⁰—I have never seen anyone ask questions about or ask for assistance regarding safety issues surrounding those policies. There has been no mention of transgender students misbehaving in multi-user sex-separated facilities; nor has there been any reference to a cisgender student misusing those policies to seek access to facilities for the other sex. No such concerns have been raised in any of the trainings I have provided as a law enforcement officer, or to my knowledge at any law enforcement conferences that I have attended. To the contrary, the sessions I have attended as a learner have been geared instead towards the importance of protecting LGBTQ+ students through inclusive policies due to their risk of victimization, and the need to reduce the collateral effects of discrimination such as depression and suicidality.

¹⁰ See Flandro, Carly, "Attorney general questions legality of 'dangerous' LGBTQ+ policy used in many Idaho schools," IDAHO CAPITAL SUN, Jan. 25, 2023, <https://idahocapitalsun.com/2023/01/25/attorney-general-questions-legality-of-dangerous-lgbtq-policy-used-in-many-idaho-schools/>.

33. In summary, it is my opinion that S.B. 1100 does not advance safety or privacy interests. Instead, S.B. 1100 hampers law enforcement interests in protecting vulnerable students such as transgender students.

* * *

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 30 day of June, 2023.



Officer Morgan Ballis

Exhibit A

MORGAN R. BALLIS

121 Spruce Way Hailey, ID 83333 * 520-306-6517 * Morgan@Campus-Safety.us

EDUCATION

Capella University, Minneapolis, MN (In Progress) Apr. 2024

Ph.D., Emergency Management

National University, San Diego, CA Mar. 2019

Master of Science, Homeland Security and Emergency Management

Alpha Phi Sigma Criminal Justice Honor Society

National University, San Diego, CA Nov. 2017

Bachelor of Science, Homeland Security and Emergency Management

Minor, Criminal Justice Administration

PROFESSIONAL EXPERIENCE

Hailey Police Department 2022 - Present

School Resource Officer/Patrol Officer

- Provide law enforcement and police services to the school, school grounds, and areas adjacent to the school. Investigate allegations of criminal incidents per department policy. Enforce state and local laws and ordinances.
- Assist school administrators in emergency crisis planning and building security matters. Provide on-going training for school personnel in emergency preparedness and handling crisis situations. Establish and maintain a close partnership with school administrators in order to provide a safe school learning environment.

LGBTQ+ Community Liaison

- Responsible for being the point of contact for organizations and individuals in the LGBTQ+ community.
- Assist with investigation as a liaison and resource for cases involving members of the LGBTQ+ community.
- Responsible for providing training to agency personnel on issues related to sexual orientation and gender identity.

Key Accomplishments

- Developed the Blaine County School District #61 Standard Command Response emergency protocols. Trained more than 500 staff members and local first responders in new safety protocols.
- Assisted BCSD #61 in identifying, adopting, and training site-based threat assessment teams in the Comprehensive School Threat Assessment Guidelines (CSTAG) protocols.
- BCSD #61 District Safety Team. BCSD #61 District Threat Assessment Advisory Group.
- Assisted in creating the HPD LGBTQ+ Community Liaison position.

Campus Safety Alliance 2018 - Present

Director of Strategic Planning & Training

- Campus Safety Alliance is a network of emergency management professionals, law enforcement trainers, and educational leaders providing evidence-based safety solutions for PreK-12 facilities and faith-based organizations.

- Ensure clients are aligned to the Department of Homeland Security's National Preparedness mission goals by providing threat vulnerability assessments, developing policies/procedures, and conducting risk management training.

Key Accomplishments

- More than 17,000 students, 2,500 educators, and 1,500 law enforcement and military personnel trained and educated in active assailant response.

Academe Grove 501(c)(3)

2018 - 2022

Founder/Director

- Academe Grove empowers students, educators, and first responders by mobilizing our community to provide innovative solutions for safety enhancements and training.

Key Accomplishments

- Designed, coordinated and hosted the K-12 Keynote Conference.
- Raised \$25,000.00 for Blaine County School District #61 to purchase the Threat Assessment & Planning Program for Behavioral Intervention Teams.

Defensive Tactics and Firearms

2014 - Present

Chief Firearms Instructor

- Defensive Tactics and Firearms provides reality-based training to responsible citizens, military personnel, law enforcement officers, and first responders.
- Ensure each student/firearm instructor has a productive, challenging, and meaningful experience in the classroom or on the firing range.

Key Accomplishments

- Trained and educated more than 8,000 citizens, law enforcement, and service members since inception.

MILITARY EXPERIENCE

United States Marine Corps

2004 - 2015

Infantry Unit Leader MOS: 0369

- Advised management on all morale, welfare, training and accountability issues pertaining to the forty-man team.
- Maintained records and researched training requirements ensuring mission readiness.
- Provided logistical coordination and accountability for over \$6 million dollars (U.S.) of sensitive equipment.

Sensor Surveillance Operator MOS: 8621

- Served as Section Leader of the Sensor Employment Team (SET) in support of Joint Task Force (JTF) - North and the United States Border Patrol (USBP).
- Deployed ground sensors and provided support to USBP resulting in 999 lbs of seized narcotics worth over \$879,600.00 and the detention of 186 undocumented aliens.
- Conducted comprehensive threat vulnerability assessment enhancing base security resulting in the disruption of smuggling operations from Somalia into the area of operations.

Officer Selection Assistant MOS: 8411

- Canvased for, screened, and interviewed over 150 potential employees for highly skilled positions.
- Mentored, prepared, and motivated candidates prior to conducting initial training.
- Designed marketing plan for target audience.

Infantry Squad Leader MOS: 0311

- Supervised 12 employees ensuring accountability of equipment and serialized gear.
- Advised, trained, and guided employees in leadership, technical proficiency, and professional development.
- Conducted detailed analysis and planning in order to successfully lead over 200 missions.

MILITARY AWARDS

- Combat Action Ribbon
- Navy and Marine Corps Commendation Medal
- Navy and Marine Corps Achievement Medal (2nd Award)
- Marine Corps Good Conduct Medal (3rd Award)

CONSULTING & EXPERT WITNESS CASES

University of Idaho. Project ECHO Idaho K12 Substance Use Prevention & Treatment Team. 2023/2024.

Expert panel member, representing School Resource Officers. Assisted in planning, and delivering a nine-part series for K12 staff on substance prevention. In progress.

Lana Rae Renna, et al. v. Xavier Becerra, in his official capacity as Attorney General of California; and Luis Lopes, in his official capacity as Director of the Department of Justice Bureau of Firearms. 2022.

Consulted with petitioner and conducted research on the legitimacy of California's "Unsafe Handgun Act".

Police Benevolent Association of the City New York, Inc. v. New York City Police Department. 2021.

Consulted with petitioner on best-practices in training and equipping front line officers responding to an active shooter incident.

San Diego County Sheriff's Department v. Eric Noel Dickerhoff. 2020.

Provided affidavit regarding the conduct of the petitioner's threat investigation and findings related to a Gun Violence Restraining Order.

CONFERENCE PRESENTATIONS & SPEAKING ENGAGEMENTS

International Law Enforcement Educators & Trainers Association National Conference

"Building Solo-Officer Response Programs", 2022

Active Threat Expert Panel, 2022

"K-12 Active Shooters: What We Know", 2021

Active Shooter/Ambush Expert Panel, 2021

"Beyond Run, Hide, Fight", 2019

Active Shooter Expert Panel, 2019

K-12 Keynote Conference

"K-12 Active Shooters: What We Know", 2021

A Girl & A Gun National Conference

“The Tueller Theory”, 2021

U.S. Law Shield Seminar

“Active Shooter Survival”, 2020

National Tactical Officers Association, Law Enforcement Operations & Conference Trade Show

“K-12 Active Shooter: The Knowledge to Win”, 2019

California School Board Associations Annual Education Conference

“One District’s Journey to Safer Campuses”, 2019

School Safety Advocacy Council National School Safety Summit

“Leadership Panel: A District’s Journey to Safer Campuses”, 2019

“Beyond Run, Hide, Fight”, 2019

National Church Safety & Security Conference

“Considerations for Arming a Security Ministry”, 2019

PUBLICATIONS

Ballis, M. (2023). Clean Slate Act: Legislation provides juvenile offenders a fresh start *NASRO Journal of School Safety*.

Ballis, M. (2022). K-12 Emergency Response Protocols. *American Police Beat Magazine*.

Ballis, M. (2022). Lockdown vs Options-Based Response. *American Police Beat Magazine*.

Ballis, M. (2022). Cover or Concealment? Maximize your environment. *American Police Beat Magazine*.

Ballis, M. (2022). Solo Officer Response: Foundation for effective active killer response training. *American Police Beat Magazine*.

Ballis, M. (2022). Developing trauma-informed training and drills for K-12 schools. *American Police Beat Magazine*.

Ballis, M. (2022). So you want to be a civilian firearms trainer? Five tips to turn your passion into a paycheck. *American Police Beat Magazine*

Ballis, M. (2022). 1st Marine Division Ethos: Theory and application for frontline officers. *American Police Beat Magazine*.

Ballis, M. (2022). Parkland, Four Years Later. *American Police Beat Magazine*.

Ballis, M. (2021). Two Decades of School Active Shooter Incidents: What we know. *American Police Beat Magazine*.

Ballis, M. (2021). Beyond the Badge: Preparing for an Off-Duty Encounter. *American Police Beat Magazine*.

Ballis, M. (2021). Supporting K-12 Schools. *American Police Beat Magazine*.

Ballis, M. (2021). K-12 Active Shooters: What We Know. *The ILEETA Journal*, 11(1).

Ballis, M. (2019). Beyond “Run, Hide, Fight” How Trainers Fail their Audience. *The ILEETA Journal*, 9(1).

CURRICULUM PROVIDER & ROLL CALL VIDEOS

Virtual Academy

- Building K-12 Options-Based Response Programs (curriculum)
- K-12 Active Shooter: Mindset to Win (curriculum)
- High Threat Ballistics Lab, (curriculum)
- Shooting Through a Windshield: Outside of a Vehicle (roll call)
- Consideration of Using Your Vehicle as Cover (roll call)

- Preparations: Responses to Active Violence (roll call)
- Responding to a K-12 Active Shooter (roll call)
- Importance of Training Techniques (roll call)
- Advice for Domestic Attacks (roll call)

PM AM HCM Academy Training

- Active Assailant Response (curriculum)
- Terrorism Prevention (curriculum)

PoliceOne Academy

- Children and Options-Based Responses for Active Assailants (roll call)
- Getting Buy-In from Stakeholders in Active Shooter Training (roll call)
- Gaps in Run, Hide, Fight (roll call)

LAW ENFORCEMENT CERTIFICATIONS

- Idaho POST, Basic Peace Officer
- NCBRT, Law Enforcement Active Shooter Emergency Response Trainer
- ALERRT, Civilian Response to Active Shooter Events Trainer
- Out to Protect, LGBT Law Enforcement Liaison Academy
 - LGBT Awareness for Law Enforcement Trainer
 - Hate Crimes Investigations
- ALERRT, Active Attack Integrated Response Trainer
- NRA, Law Enforcement Firearms Instructor
- IADLEST, Nationally Certified Instructor
- NASRO, Basic School Resource Officer

CIVILIAN ACTIVE THREAT & VIOLENCE PREVENTION CERTIFICATIONS

- San Diego County Office of Education, Options Based Response/Active Shooter Trainer
- SecFor International, Certified Anti-Terrorism/Force Protection Specialist
- Navigate 360, Comprehensive School Threat Assessment Guidelines LvL 1
- Last Resort Firearms Training, Active Shooter Instructor
- NRA, Refuse to be a Victim Seminar Instructor
- ALICE Institute, ALICE Instructor

CIVILIAN FIREARM CERTIFICATIONS

- Massad Ayoob Group, Deadly Force Instructor
- Tom Givens, Rangemaster Instructor
- Active Self Protection Instructor
- NRA, Training Counselor
 - Certified Rifle Instructor
 - Certified Pistol Instructor
 - Concealed Carry Weapon Instructor
 - Personal Protection Inside the Home Instructor
 - Personal Protection Outside the Home Instructor
- NRA Chief Range Safety Officer
- USCCA, Concealed Carry & Home Defense Instructor

FEMA CERTIFICATIONS

- FEMA, Implementing Critical Infrastructure Security and Resilience IS-00921
- FEMA, ICS for Single Resources and Initial Action Incident IS-00200
- FEMA, Introduction to FEMA's Public Assistance Program IS-00634
- FEMA, Applications of GIS Emergency Management IS-00922
- FEMA, Introduction to Incident Command Systems IS-00100
- FEMA, The National Infrastructure Protection Plan IS-00860
- FEMA, Social Media in Emergency Management IS-00042
- FEMA, National Disaster Recovery Framework IS-02900
- FEMA, National Incident Management System IS-00700
- FEMA, Public Information Officer Awareness IS-00029
- FEMA, Introduction to Individual Assistance IS-00403
- FEMA, Introduction to Hazardous Materials IS-5.A
- FEMA, National Response Framework IS-00800
- FEMA, Local Damage Assessment IS-00559
- FEMA, Active Shooter IS-00907

UNITED STATES MARINE CORPS CERTIFICATIONS

- USMC, Reconnaissance & Surveillance Course
- USMC, Sensor Surveillance Operator's Course
- USMC, Infantry Unit Leaders Course
- USMC, Basic Recruiter School
- USMC, Combat Life Savers
- USMC, School of Infantry

MEMBERSHIPS / AFFILIATIONS

- International Association of Directors of Law Enforcement Standards and Training (IADLEST), Member/National Trainer
- International Association of Law Enforcement Firearms Instructors (IALEFI), Member
- International Law Enforcement Educators & Trainers Association (ILEETA), Member
- Idaho Association of School Resource Officers (IDASRO), Member/President
- F.B.I. InfraGard, Idaho Member Alliance & InfraGard Speakers Bureau
- National Association of School Resource Officers (NASRO), Member
- U.S. Law Shield, Member/National Trainer
- Fraternal Order of Police, Member

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

REBECCA ROE, et al.,

Plaintiffs,

v.

DEBBIE CRITCHFIELD, et al.,

Defendants.

Case No. 1:23-cv-315

**DECLARATION OF JIMMY P.
BIBLARZ**

DECLARATION OF JIMMY P. BIBLARZ

I, Jimmy P. Biblarz, declare as follows:

1. I am an attorney at law duly admitted and licensed to practice law in the State of California and counsel for Plaintiffs Rebecca Roe and Sexuality and Gender Alliance in the above-captioned action. My *pro hac vice* application to appear before this Court is pending. I am an attorney at the law firm of Munger, Tolles & Olson LLP in Los Angeles. I have personal knowledge of the facts contained herein or know of such facts by my review of the files maintained by Munger, Tolles & Olson LLP in the normal course of its business, and if called upon to do so, could and would competently testify thereto.

2. Attached hereto as Exhibit 1 is a copy of Idaho Senate Bill 1100 (“S.B. 1100”) (engrossed version), codified as I.C. § [33-6701]33-6601 et seq., downloaded on July 5, 2023 from <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2023/legislation/S1100E1.pdf>.

3. Attached hereto as Exhibit 2 is a copy of Policy 3281 written by the Idaho School Boards Association (“ISBA”), downloaded on July 5, 2023 from <http://www.idahoednews.org/wp-content/uploads/2016/05/ISBA-gender-identity-policy.pdf>.

4. Attached hereto as Exhibit 3 is a copy of:

(i) A January 25, 2023, letter from Idaho Attorney General Raúl Labrador to Misty Swanson, Executive Director of the Idaho School Boards Association (“ISBA”) regarding ISBA’s Policy 3281, downloaded on July 5, 2023 from <http://www.idahoednews.org/wp-content/uploads/2023/01/LabradorISBALetter.pdf>.

(ii) A copy of several messages Mr. Labrador posted on Twitter regarding ISBA Policy 3281’s legality, downloaded on July 5, 2023 from https://twitter.com/Raul_Labrador.

5. Attached hereto as Exhibit 4 is copy of the January 30, 2023, response letter from Ms. Swanson to Mr. Labrador, regarding Policy 3281, downloaded on July 5, 2023 from <http://www.idahoednews.org/wp-content/uploads/2023/01/ISBAAGresponse.pdf>.

6. Below is an excerpt of Senator Chris Trakel’s public comments during a January 9, 2023 meeting of the Caldwell School District School Board Meeting. A video of the full meeting can be accessed here: <https://www.youtube.com/watch?v=ZynQenEjmJ4>.

(i) Senator Chris Trakel (R-ID), District 11 (01:28:02): “I am here on my official position ... You under Idaho law are required to maintain the morals and health of all the students. How can you do that when like that little girl came up here and said you allow a male to use a female bathroom? You’re going to put all of their moral health and safety at risk and like I told you before you will face litigation. You call that a threat, I’m telling you that is what will happen. It has already happened in several states and there’s already been rulings on it. So before you waste taxpayer money, before you put a kid in harm’s way, you better throw this policy out.”

7. Attached hereto as Exhibit 5 is a copy of:

(i) A January 25, 2023, article published by the *Idaho Capitol Sun*, authored by Carly Flandro, titled “Attorney General questions legality of ‘dangerous’ LGBTQ+ policy used in many Idaho schools,” downloaded on July 5, 2023 from <https://idahocapitalsun.com/2023/01/25/attorney-general-questions-legality-of-dangerous-lgbtq-policy-used-in-many-idaho-schools/>. In the article, Quinn Perry, the deputy director of ISBA, “estimates that about 60 local education agencies or LEAs (which includes traditional school districts or charters) already have the LGBTQ+ policy in place.”

(ii) Examples of policies that permit transgender students to use restrooms and other single-sex facilities that align with their gender identity adopted by school districts across Idaho—specifically Basin District #72 (downloaded on July 5, 2023 from <https://basinschools.net/wp-content/uploads/2019/07/Policy-Section-500.pdf>), Bonneville Joint School District #93 (downloaded on July 5, 2023 from <https://lff.d93.k12.id.us/WebLink/ElectronicFile.aspx?docid=292267&dbid=0>), Jerome Joint School District #261 (downloaded on July 5, 2023 from https://site44232.overdrive.io/3000-students/3281_gender_identity_and_sexual_orientation.pdf), and Blackfoot School District #55 (downloaded on July 5, 2023 from

<https://docs.d55.k12.id.us/Policies/New.Nov.2018.519.5.Gender.Identity.pdf>). Based on my review of publicly available policies, additional school districts with such policies in place prior to the enactment of S.B. 1100 include but are not limited to: Blaine County District #61, Buhl Joint District #412, Challis Joint District, Cascade School District, Firth School District, Kendrick District #283, Kimberly District #414, Kootenai District #274, Marsh Valley Joint District #21, Middleton District #134, Mountain Home District #193, Mullan District #392, Murtaugh Joint District #418, Orofino Joint District #171, Payette Joint District #371, Preston Joint District #201, Richfield District #316, Ririe Joint District #252, Rockland District #382, Salmon River Joint District #243, Shelley Joint District #60, Twin Falls District #411, Whitepine Joint District #288, Wilder District #133, and North Gem District #149.

8. Attached hereto as Exhibit 6 is a copy of:

(i) A January 19, 2023, letter from Idaho Superintendent of Public Instruction Debbie Critchfield to State Senator Cindy J. Carlson, downloaded on July 5, 2023 from <https://www.idahoednews.org/news/attorney-general-questions-legality-of-lgbtq-policy-thats-used-in-scores-of-idaho-schools/>.

(ii) A January 23, 2023, response letter from Senator Carlson to Ms. Critchfield, downloaded on July 5, 2023 from <https://www.idahoednews.org/news/attorney-general-questions-legality-of-lgbtq-policy-thats-used-in-scores-of-idaho-schools/>.

9. Attached hereto as Exhibit 7 is a copy of Boise Public School District's 2016 statement on its transgender inclusive practice, downloaded on July 5, 2023 from <https://www.idahoednews.org/wp-content/uploads/2016/05/Boise-transgender-student-statement.pdf>.

10. Attached hereto as Exhibit 8 is a copy of:

(i) A screenshot I captured on July 5, 2023 of the "About" page of the Idaho Family Policy Center's website (<https://idahofamily.org/about-ifpc/>).

(ii) A blog post in which the Idaho Family Policy Center takes credit for drafting S.B. 1100, downloaded on July 5, 2023 from <https://idahofamily.org/major-victory-gov-little-signs-school-bathroom-bill/>.

11. Attached hereto as Exhibit 9 is a copy of:

(i) A screenshot taken I captured on July 5, 2023 from “USAspending” of the results of a search for federal grants to Idaho education agencies in 2022 and 2023 (<https://www.usaspending.gov/search/?hash=a7f4b51a7d0cbc0701c5de19c9af8d38>).

(ii) A spreadsheet detailing federal grants to the Idaho Board of Education; compiled from raw data downloaded from <https://www.usaspending.gov/search> on July 5, 2023.

(iii) A summary of the Boise Public School District’s 2022-2023 annual budget, demonstrating its receipt of federal educational funding, downloaded on July 5, 2023 from https://cdnsm5-ss8.sharpschool.com/UserFiles/Servers/Server_508222/File/Annual%20Budgets%20&%20Audits/22-23BudgetDoc.pdf.

12. Attached hereto as Exhibit 10 is a copy of a public comment submitted via email in support of S.B. 1100 and produced in response to a legislative public records request.

13. Below are excerpts from the February 23, 2023 Idaho Senate Education Committee hearing and the March 15, 2023 Idaho House Education Committee hearing on S.B. 1100 cited in the Complaint. The full transcripts can be accessed at

<https://legislature.idaho.gov/sessioninfo/2023/standingcommittees/SEDU/> and <https://legislature.idaho.gov/sessioninfo/2023/standingcommittees/HEDU/>.

(i) Senator Chris Trakel (R-ID), District 11 (00:53:12 – Senate hearing): “So, I ask you, vote in favor of this bill and don’t wait until some small child is molested or raped in the bathroom. Thank you.”

(ii) Melissa Blevins, member of the public (01:03:57 – Senate hearing): “Gender dysphoria is a diagnosable mental health disorder. Feeding a mental health disorder is

not care. Socially transitioning these kids in schools is feeding their mental disorder. It does not give them the mental health care they need.”

(iii) Matt Edwards, member of the public (01:08:14 – Senate hearing): “Um, this particular policy as written, I believe is, um, will effectively end dangerous policies like 3281, which will reduce, uh, the likelihood of a predatory individual to disguise themselves as female in order to take advantage of this, of, of policy 3281, and then prey on innocent, uh, female students in locker rooms and restrooms. Let me repeat that because I'm not talking about, uh, gender dysphoria stricken students. I'm talking about predators who would take advantage of a policy like 3281 in order to disguise themselves as a female to do all sorts of, uh, various activities from gawking, from self-pleasure for, to even attacking a innocent female student in, in a bathroom or a locker room.”

(iv) Michael Hahn, member of the public (01:09:30 – Senate hearing): “I’m Michael Hahn. I’m, uh, I live in, uh, Meridian, Idaho, and I’m representing myself. Um, just to keep it simple, right? God made men and women, right, and then eventually, uh, men and women made men’s and women’s bathrooms for men and women. So, just like this previous gentleman just said, it’s there to keep them safe because kids are under attack at schools, at libraries, at all kinds of places. So let’s just keep it simple. And I’m just amazed and perplexed that in this time and age we are talking about creating a law to making sure that boys go to boys’ bathrooms and girls go to girls’ bathrooms. All right, we have either part A or part B. Let’s keep it simple. Thank you.”

(v) Alex Kuyper, member of the public (01:11:22 – Senate hearing): “I’m Alex Kuyper. I’m a trans student from District 29, and I attend Pocatello High School. I’m a varsity on the speech and debate team, and I’m speaking to express my strong opposition to S.B. 1100. As a concerned citizen and advocate for equality, I urge you to reject the-- this discriminatory legislation and protect the rights and wellbeing of all Idaho, uh, students. This bill is not only unconstitutional, but it also perpetuates harmful stereotypes and contributes to the stigmatization of marginalization of transgender individuals. Banning transgender youth from the

bathroom, that aligns with their gender identity, not only denies them the right to use facilities that align with their gender, but it also places them at an increased risk of harassment and violence. This bill incorrectly states that trans kids using their preferred restroom leads to cis-students experiencing harassment, embarrassment, and other terrible acts like rape. Not only does this perpetuate the trans community as pedophiles, abusers, and totally false characteristics, but legislation, precedent and rhetoric that is in this bill and other hundreds of bills introduced across this US isolates-- this-- isolates the trans community. This has incredibly detrimental impacts. Unfortunately, my childhood friend, my, uh, Adrian, who attended Century High School, unfortunately committed suicide this year. This hurt many-- This hurt me and many of others in our community, knowing that they had a support group, but inherent problems weren't being solved. Passing legislation like this will only continue to isolate the trans community and will kill more people. I, myself fell victim to suicidal thoughts and depression when our elected officials who swore to represent and protect us are trying to eliminate us.”

(vi) Lyle Johnstone, member of the public (01:24:07 – Senate hearing): “Yes. Committee. Mr. Chairman, thank you for this time to, um, support Senate Bill 1100. I believe this is a straightforward bill. It, uh, fixes many of the problems that school systems have had and, and have wrongly considered bad ideology, as in policy 32-81. Um, everyone under, I guess the age of 100, as I would look at it, especially under the age of 18, should be able to safely go to the restroom of their born sex. And not have to share that bathroom with other people who may-- boys who think they wanna be girls and girls who think they wanna be boys. They may use the restroom of their birth sex. And I believe this is a great bill that solved many problems in the state of Idaho. Uh, one gentleman earlier did address that possibly we could go a step further to cities and municipalities and that type of thing. But I absolutely support Senate Bill 1100.”

(vii) Senator Janie Ward-Engelking (D-ID), District 18 (00:34:16 – Senate hearing): “Um, thank you, Mr. Chairman. Um, and I, I just have one question for Senator Adams right now. I’m trying to read through this quickly and assess where um, there are exemptions. And I’m just wondering, we many times have coaches that are of the opposite sex of the team

that they're, uh, instructing. I'm thinking a girls basketball team, maybe with a male coach, and many times they go into the locker room at halftime to give a pep talk and get their teams motivated. Um, I didn't really see a carveout for that. Is there one?"

(viii) Senator Dave Lent, Chair (R-ID), District 13 (00:34:59 – Senate hearing):
“Senator Adams?”

(ix) Senator Ben Adams (R-ID), District 12 (00:35:00 – Senate hearing): “Mr. Chairman, um, this is something that actually, uh, came up just the other day. So, uh, Senator Senator Ward-Engelking, if you would like to, uh, bring an amendment, uh, to add that into this bill, I would welcome it.”

(x) Senator Dave Lent, Chair (R-ID), District 13 (00:35:15 – Senate hearing):
“Thank you.”

(xi) Senator Janie Ward-Engelking (D-ID), District 18 (00:35:16 – Senate hearing): “Thank you, Mr. Chairman. Having been a coach, I might think we need to. Thank you.”

(xii) Senator Trakel (R-ID), District 11 (00:23:55 – House hearing): “I'd just like to point out Article 14, Section Four, the Idaho Republican Party, our platform here, the Idaho Republican Party recognizes that children are a heritage of the Lord. We believe biological gender to be an essential characteristic of a child's identity and purpose. We call upon parents, responsible citizens, and officers of government to promote measures that respect and protect the biological gender of children. We strongly oppose any person, entity, or policy that attempts to confuse minors regarding their bio gender. So that's our stance, statewide. So I remind you of that this morning. And another thing I'd like to say is we hear a lot of talk about— wow, I'm fast. We hear a lot of talk about how the transgender are, it's their right to use the bathroom, but you gotta remember: to allow a boy to use the girl's bathroom or vice versa, you're removing the safety and rights of those individuals that already have the entitlement to use that bathroom. So in order to give Child A permission to use the opposite sex bathroom of Child B's, you're removing Child B's protection, rights, and freedoms and you're putting them in the exact same

situation we're supposedly trying to take the, uh, trans child out of. I'd also like to point out, that I do not think that the—the risk of harm or anything comes from the trans community, but instead, I'd like to point out that harm comes from those predators and people that would abuse this policy to get into the opposite sex bathrooms, locker rooms, and overnight trips. And I'd like to remind you that we're here to protect those people and do what we can. And the solution, obviously is not to allow cross-sex bathrooms. Thank you.”

(xiii) Representative Woodings (D-ID), District 19 (00:40:19 – House hearing):
“Madam Chair and um, and Representative, I’m seeing a little bit of inconsistency in this bill. I’m hoping that you can help me understand it a little bit. Um, it’s not my understanding that there’s been any documented cases of trans person violence on non-trans people, um, as this bill states in section 33.66.01, subsection 4.” Representative Hill (R-ID), District 14 (responding):
“Mm-hmm.”

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 6 day of July, 2023, at Los Angeles, California.



Jimmy P. Biblarz

Exhibit 1

LEGISLATURE OF THE STATE OF IDAHO
Sixty-seventh Legislature First Regular Session - 2023

IN THE SENATE

SENATE BILL NO. 1100, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PROTECTING THE PRIVACY AND SAFETY OF STUDENTS IN PUBLIC SCHOOLS;
2 AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 66, TITLE
3 33, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO ES-
4 TABLISH PROVISIONS REGARDING SCHOOL RESTROOMS, TO PROVIDE EXEMPTIONS,
5 TO PROVIDE FOR REASONABLE ACCOMMODATION IN CERTAIN INSTANCES, TO PRO-
6 VIDE FOR A CIVIL CAUSE OF ACTION, AND TO PROVIDE FOR PREEMPTION; PROVID-
7 ING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
8 DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 66, Title 33, Idaho Code, and to read as follows:

14 CHAPTER 66

15 PROTECTING THE PRIVACY AND SAFETY OF STUDENTS IN PUBLIC SCHOOLS

16 33-6601. LEGISLATIVE FINDINGS. The legislature finds that:

17 (1) There are real and inherent physical differences between men and
18 women;

19 (2) Every person has a natural right to privacy and safety in restrooms
20 and changing facilities where such person might be in a partial or full state
21 of undress in the presence of others;

22 (3) This natural right especially applies to students using public
23 school restrooms and changing facilities where student privacy and safety is
24 essential to providing a safe learning environment for all students;

25 (4) Requiring students to share restrooms and changing facilities with
26 members of the opposite biological sex generates potential embarrassment,
27 shame, and psychological injury to students, as well as increasing the like-
28 lihood of sexual assault, molestation, rape, voyeurism, and exhibitionism;

29 (5) Providing separate public school restrooms and changing facilities
30 for the different biological sexes is a long-standing and widespread prac-
31 tice protected by federal law, state law, and case law;

32 (6) Federal legislative action, federal executive action, and fed-
33 eral court judgments that prevent public schools from maintaining separate
34 restrooms and changing facilities for different biological sexes are in-
35 consistent with the United States constitution and violate the privacy and
36 safety rights of students; and

37 (7) A statewide policy ensuring separate school restrooms and chang-
38 ing facilities on the basis of biological sex is substantially related to the
39 important governmental interest in protecting the privacy and safety of all
40 students.

1 33-6602. DEFINITIONS. For the purposes of this chapter:

2 (1) "Changing facility" means a facility in which a person may be in a
3 state of undress in the presence of others, including a locker room, changing
4 room, or shower room.

5 (2) "Public school" means any public school teaching K-12 students
6 within an Idaho school district or charter school.

7 (3) "Sex" means the immutable biological and physiological character-
8 istics, specifically the chromosomes and internal and external reproductive
9 anatomy, genetically determined at conception and generally recognizable at
10 birth, that define an individual as male or female.

11 33-6603. SCHOOL RESTROOMS. (1) Every public school restroom or chang-
12 ing facility accessible by multiple persons at the same time must be:

13 (a) Designated for use by male persons only or female persons only; and

14 (b) Used only by members of that sex.

15 (2) No person shall enter a multi-occupancy restroom or changing facil-
16 ity that is designated for one sex unless such person is a member of that sex.
17 The public school with authority over the building shall ensure that all re-
18 strooms and changing facilities provide its users with privacy from members
19 of the opposite sex.

20 (3) In any other public school setting where a person may be in a state
21 of undress in the presence of others, school personnel must provide separate
22 and private areas designated for use by persons based on their sex, and no
23 person may enter these private areas unless such person is a member of the
24 designated sex.

25 (4) During any school authorized activity or event where persons share
26 overnight lodging, school personnel must provide separate sleeping quar-
27 ters for members of each sex. No person shall share sleeping quarters, a
28 restroom, or a changing facility with a person of the opposite sex, unless
29 the persons are members of the same family.

30 33-6604. EXEMPTIONS. This chapter shall not apply:

31 (1) To single-occupancy restrooms and changing facilities or restrooms
32 and changing facilities that are conspicuously designated for unisex or fam-
33 ily use;

34 (2) To restrooms and changing facilities that have been temporarily
35 designated for use by that person's biological sex;

36 (3) To a person of one sex who uses a single-sex facility designated for
37 the opposite sex, if such single-sex facility is the only facility reason-
38 ably available at the time of the person's use of the facility;

39 (4) To a person employed to clean, maintain, or inspect a restroom or
40 single-sex facility;

41 (5) To a person who enters a restroom or facility to render medical as-
42 sistance;

43 (6) To a person who is in need of assistance and, for the purposes
44 of receiving that assistance, is accompanied by a family member, a legal
45 guardian, or the person's designee who is a member of the designated sex for
46 the single-sex restroom or changing facility;

47 (7) To coaching staff and personnel during athletic events; or

1 (8) During an ongoing natural disaster or emergency, or when necessary
2 to prevent a serious threat to good order or student safety.

3 33-6605. REASONABLE ACCOMMODATION. (1) A public school shall provide
4 a reasonable accommodation to a student who:

5 (a) For any reason, is unwilling or unable to use a multi-occupancy re-
6 stroom or changing facility designated for the person's sex and located
7 within a public school building, or multi-occupancy sleeping quarters
8 while attending a public school-sponsored activity; and

9 (b) Provides a written request for reasonable accommodation to the pub-
10 lic school.

11 (2) A reasonable accommodation does not include access to a restroom,
12 changing facility, or sleeping quarter that is designated for use by members
13 of the opposite sex while persons of the opposite sex are present or could be
14 present.

15 33-6606. CIVIL CAUSE OF ACTION. (1) Any student who, while accessing a
16 public school restroom, changing facility, or sleeping quarters designated
17 for use by the student's sex, encounters a person of the opposite sex has a
18 private cause of action against the school if:

19 (a) The school gave that person permission to use facilities of the op-
20 posite sex; or

21 (b) The school failed to take reasonable steps to prohibit that person
22 from using facilities of the opposite sex.

23 (2) Any civil action arising under this chapter must be commenced
24 within four (4) years after the cause of action has occurred.

25 (3) Any student who prevails in an action brought under this chapter may
26 recover from the defendant public school five thousand dollars (\$5,000) for
27 each instance that the student encountered a person of the opposite sex while
28 accessing a public school restroom, changing facility, or sleeping quarters
29 designated for use by aggrieved student's sex. The student may also recover
30 monetary damages from the defendant public school for all psychological,
31 emotional, and physical harm suffered.

32 (4) Any student who prevails in action brought under this chapter is en-
33 titled to recover reasonable attorney's fees and costs from the defendant
34 public school.

35 (5) Nothing in this chapter limits other remedies at law or equity
36 available to the aggrieved student against the school.

37 33-6607. PREEMPTION. This chapter preempts any law, regulation, pol-
38 icy, or decree enacted or adopted by any city, county, municipality, or other
39 political subdivision within the state that purports to permit or require
40 public schools to allow persons to use facilities designated for the other
41 sex.

42 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
43 to be severable and if any provision of this act or the application of such
44 provision to any person or circumstance is declared invalid for any reason,
45 such declaration shall not affect the validity of the remaining portions of
46 this act.

1 SECTION 3. An emergency existing therefor, which emergency is hereby
2 declared to exist, this act shall be in full force and effect on and after
3 July 1, 2023.

Exhibit 2

POLICY TITLE: Gender Identity and Sexual Orientation

POLICY NO: 3281

PAGE 1 of 4

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. This policy is designed to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. Failure of any school student or school employee to abide by the terms and provisions of this policy will subject such individual to disciplinary action.

Definitions

“Sexual orientation” shall mean an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

“Gender identity” shall refer to a person's deeply felt internal sense of their own gender.

“Gender expression” shall refer to how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerism.

“Transgender,” an adjective, shall refer to a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

School Facilities

In the case of middle/junior high school students and high school students, the principal or building administrator is encouraged to request a meeting with a transgender student and, if the student grants permission, with their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.

In the case of elementary school students, it will generally be the parent/guardian that informs the school of the impending transition. However, if the school's staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, the school's administrative staff and/or counselor approaching the student's parent/guardian about the issue is appropriate. An individual teacher shall not approach a student's parent/legal guardian to address such a student situation without first conferring with the school's administration about the subject matter and obtaining permission to enter into such a discussion. A meeting may be held

at the request of the student's parent/guardian or at the request of the principal or building administrator. Together, the family and school can identify appropriate steps, if any, to support the student.

Students will be allowed to use the restroom and locker room that corresponds to the gender identity they consistently assert at school. No student will be required to use facilities that conflict with his or her gender identity consistently asserted at school. A transgender student or any other student who has a need or desire for increased privacy may be given the option of using a separate or private restroom or changing area, such as a single stall restroom, if such is available. No student shall, on account of their transgender status, be required to use such separate facilities.

School Activities

The District will provide all students the opportunity to participate in any activities segregated by gender in a manner that is consistent with their gender identity consistently asserted at school. However, activities under the direction of the Idaho High School Activities Association (IHSAA) shall be subject to IHSAA rules and regulations).

School Trips

In the case of overnight trips sponsored by the District, students will be assigned sleeping rooms that correspond to the gender identity they consistently assert at school or to a private sleeping room. No student shall be required to sleep in a private room or in an assigned room conflicting with his or her consistently asserted school gender identity.

In no case will a transgender student be denied the right to participate in an overnight trip because of that student's transgender status.

In no case will a student be denied the right to participate in an overnight trip because of that student's sexual orientation. Likewise, a student will not be required to use a private sleeping room or denied participation on the basis of that student's sexual orientation.

Student Records and Privacy

The District's official records required by law shall utilize a student's legal name. In situations where State or federal law or administrative rules require school employees to use or report a student's legal name or gender, such legal name or gender shall be utilized. However, school staff shall utilize practices to avoid the inadvertent disclosure of the student's transgender status.

Information regarding a student's sexual orientation, gender identity, gender expression, legal name, or gender assigned at birth may constitute confidential information. Disclosure of such information shall be in accordance with District policies pertaining to student privacy. The student's educational record shall not include mention of the student's sexual orientation.

However, in the course of ordinary school interactions and communication, District staff shall use the name and pronouns consistently asserted by the student at school, regardless of the student's legal name and sex. A student is not required to legally change their name/gender or their official school records as a prerequisite to the use of a name and the pronouns consistent with the student's identity. Intentional and persistent refusal to use the name and gender by which the student identifies is a violation of this policy and may subject an employee to discipline, up to and including possible termination.

Change of Official School Records

District records required by law to include the student's legal name and/or gender will be changed by the District upon the student's/former student's presentation of appropriate documentation to the District Office. Any current or former student may present to the Superintendent or designee responsible for student records a copy of a court order or birth certificate identifying a change the student's legal name and/or gender. The student's records will be changed accordingly.

Confidentiality

School employees should not disclose a student's transgender status or sexual orientation to other individuals, regardless of setting, including the other school personnel or (in the case of middle school, junior high school, and high school students) the student's parents/guardians, unless they have a legitimate need to know or unless the student has authorized such disclosure. Action in violation of such student confidentiality may subject an employee to discipline, up to and including possible termination and for certificated personnel, a report to the Professional Standards Commission.

When contacting the parent/guardian of a transgender student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student or parent/guardian has specified otherwise.

Training

The District may conduct staff development or awareness activities for students or parents on transgender issues or gender diversity. However, in regard to such activities the District and its personnel shall not disclose the transgender status of any student without permission of that student and their parents/guardians.

Dress Codes

School dress codes shall be gender neutral in all situations including attire during the traditional school day, school activities including dances/prom, and graduation. The District will allow students to dress in a manner that is consistent with their gender identity within the constraints of the dress codes and any other rules regarding student attire.

Students may wear clothing or accessories that voice their views on lesbian, gay, bisexual, and transgender (LGBT) issues, regardless of viewpoint, provided these conform to the dress code; are not a disruption to the educational environment; and are not obscene, threatening, lewd, or vulgar.

School Dances

The District shall not impose different or unique practices or rules for same sex couples who attend and/or participate in school activities, including dances. This includes such matters as prohibition of attendance of same sex student couples, limitations of public displays of affection only applicable to same sex couples, discounted couples tickets, gender identity for dance court titles that correspond to birth sex and other such distinctions.

Safe Environment

It is the responsibility of the District to ensure all students, including LGBT students, have a safe school environment. Discrimination, harassment, bullying, or sexual harassment complaints involving LGBT students shall be handled in the same manner as other discrimination, harassment, bullying, and sexual harassment complaints.

Cross Reference: 2140 Student and Family Privacy Rights
 3255 Student Dress
 3280 Equal Education, Nondiscrimination, and Sex Equity
 3290 Sexual Harassment/Intimidation of Students
 3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying,
 Menacing
 3575 Student Data Privacy and Security

Legal Reference: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
 I.C. § 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations—
 Penalties

Other Reference: Idaho High School Activities Association Rules & Regulations, Rule 11-3
 Transgender Student Participation

Policy History:

Adopted on: 10/12/15

Revised on:

Exhibit 3



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

RAÚL R. LABRADOR

January 25, 2023

Misty Swanson, Executive Director
Idaho School Boards Association
199 N. Capitol Blvd., Suite 503
Boise, ID 83702
misty@idsba.org
Delivered via E-mail

Dear Executive Director Swanson:

As I'm sure you know, the Caldwell School District Board of Trustees is considering [Policy 3281](#). That policy would allow biological boys to use girls' locker rooms and bathrooms, force teachers to use pronouns that don't correspond to students' biological sex, and require school employees to conceal students' intimate choices about sex and gender—along with potential gender dysphoria—from their parents. The policy rightly drew criticism from parents and residents of the district at a Board meeting on January 3, 2023, before the Caldwell Board abruptly ended the meeting.¹

As Idaho's Attorney General, it is my job to protect the rights of Idaho residents and safeguard the legal interests of the State. *See* Idaho Code § 67-1401. I have serious concerns that Policy 3281 conflicts with state law, infringes on the fundamental rights of Idaho parents to direct their children's upbringing and education, and violates educators' First Amendment rights. I also worry that the policy will endanger students, as similar policies have in other parts of the country.²

I am also deeply troubled that your organization seems to be the entity peddling these suspect policies. A recent article by "Them,"—a self-described national "platform for all of the bold and rebellious ways that LGBTQ+ people are reshaping our world every day"—stated that

¹ *See, e.g.,* Julie Luchetta, BOISE STATE PUBLIC RADIO, *Heated Caldwell School Board Meeting ends in Chaos*, <https://tinyurl.com/2w7aew27> (Jan. 10, 2023).

² Virginia Aabram, WASHINGTON EXAMINER, *Teenager found guilty in Loudoun County bathroom assault*, <https://tinyurl.com/ynzr276u> (Oct. 25, 2021).

Attorney General Labrador Letter to ISBA

January 25, 2023

Page 2

Caldwell Policy 3281 is “a draft *from the Idaho School Boards Association*.”³ Indeed, even the local press and the general public seem to know that the ISBA is the source of this and other, similar policies.⁴

Every page of your website proclaims that you “advocate[] for Idaho students and public education.”⁵ I therefore find it unsettling—and inconsistent with your stated values—that the ISBA would advocate a dangerous policy that actively disenfranchises parents and families, the cornerstone of any schooling system. And to the extent the ISBA provided legal advice to the Caldwell Board regarding the policy, that advice appears to have overlooked the grave federalism concerns Policy 3281 raises. Navigating the important, delicate state-federal balance of power and authority is something a nonprofit organization should refrain from doing.

Accordingly, please answer the following questions:

1. What was ISBA’s involvement with preparing, advocating for, and communicating with Caldwell’s Board of Trustees about Policy 3281?
2. Who, if anyone, associated with ISBA spoke with the Caldwell School District Board of Trustees about Policy 3281? Please include the names of any staff, executive board members, consultants, outside counsel, or any other organizations.
3. Who, if anyone, associated with the ISBA assisted in drafting Policy 3281? Please include the names of any staff, executive board members, consultants, outside counsel, or any other organizations.
4. What advice is the ISBA giving (or has the ISBA given) to school district boards of trustees about Gender Identity policies like Policy 3281?
5. Has the ISBA drafted a generic version of Policy 3281 that it has distributed to school boards in Idaho? Please provide the copy of that draft, and the names of those who worked on it.
6. Has the ISBA drafted or distributed similar policies to other school district boards of trustees?
7. How do national news outlets like *TheM* know that Caldwell Policy 3281 is “*from*” the ISBA when nothing on the face of the policy suggests that the ISBA is involved?

³ Samantha Riedel, THEM, *An Idaho School Board Meeting Erupted Over a Pro-LGBTQ+ Proposal*, <https://tinyurl.com/mwk756zz> (Jan. 12, 2023).

⁴ See Carly Flandro, IDAHO CAPITAL SUN, *Proposed LGBTQ rights policy causes fracas at Caldwell School Board meeting*, <https://tinyurl.com/mr2s7pkr> (January 10, 2023).

⁵ <https://www.idsba.org/>.

Attorney General Labrador Letter to ISBA

January 25, 2023

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8. Teton County, Blaine County, and Bonneville Joint School Districts all have comparable gender identity policies.⁶ The Teton Policy says it is a “7/15 ISBA Update.”⁷ What involvement, if any, did the ISBA have in formulating these policies?
9. Has the ISBA received funding or grants from *any* entity that has encouraged the ISBA to promote gender identity policies like Policy 3281?⁸
10. Does the ISBA provide any training to staff, school boards, or educators related to gender identity policies like 3281?

Please respond to these questions in writing no later than Wednesday, February 1, 2023.

Idaho schools should be safe environments where students acquire the basic skills, knowledge, and character that they need to thrive in life. *See, e.g.*, Idaho Code § 33-512(4). Schools are not laboratories where adults can test reckless social policy on students, outside the view of parents and the broader communities

Respectfully,

A handwritten signature in blue ink that reads "Raúl R. Labrador". The signature is written in a cursive, flowing style.

Raúl R. Labrador

ATTORNEY GENERAL OF IDAHO

⁶ *See* Blaine County Sch. Dist. No. 61, *Policy 519.50*, <https://tinyurl.com/fty3ep39>; Bonneville Joint Sch. Dist. 93, *Policy 3281*, <https://tinyurl.com/348u2zmt>; Teton Sch. Dist. No. 401, *Policy 3281*, <https://tinyurl.com/4dy46u29>.

⁷ *See* Teton Sch. Dist. No. 401, *Policy 3281*, at 4, <https://tinyurl.com/4dy46u29>, (listing, at the bottom of the policy “*ISBA 7/15 Update*”) (emphasis added).

⁸ *See, e.g.*, IDAHO SCHOOL BOARDS ASS’N, “Partners and Affiliates,” <https://www.idsba.org/member-services/partners/>.



Raúl R. Labrador @Raul_Labrador · Jan 23



This proposed policy appears to violate Idaho law. My office is taking a serious look at how we can defend Idaho parents, kids, and our existing laws should the Caldwell school board choose to adopt this policy.
[#idpol](#)

7 KTVB.COM @KTVB · Jan 9

Caldwell School District meeting ends in chaos
ktvb.com/article/news/l...

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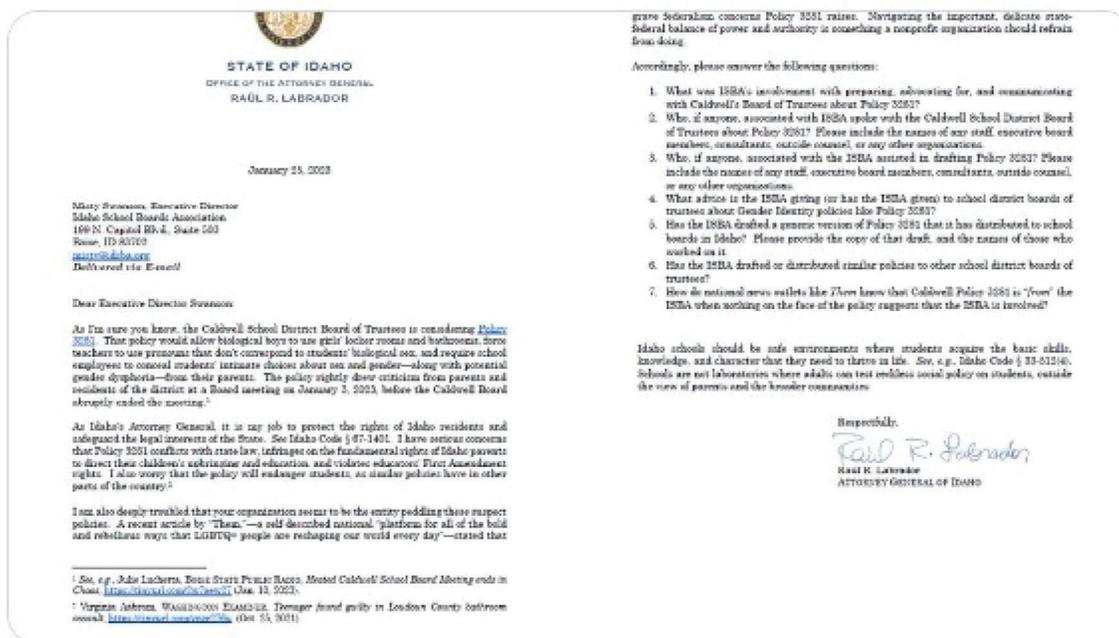




Raúl R. Labrador
@Raul_Labrador

...

Today I sent a letter to the Idaho School Board Association regarding the proposed Caldwell School district policy. Idaho citizens have serious questions about these policies. I'm trying to help them get answers.



2:07 PM · Jan 25, 2023 · 23.5K Views

58 Retweets 15 Quotes 255 Likes 2 Bookmarks



Exhibit 4



January 30, 2023

Attorney General Raúl Labrador
PO Box 83720
Boise, ID 83720-0010
AGLabrador@ag.idaho.gov
Delivered via Email

Re: Letter dated January 25, 2023

Dear Attorney General Labrador,

Thank you for reaching out and for your interest in the service and work of the Idaho School Boards Association (ISBA).

ISBA was founded in 1942 to serve school boards and school board members throughout the state of Idaho. For 81 years, ISBA has worked to meet the needs of school governance in Idaho communities large and small, rural and more densely populated. We help school board members carry out their school governance role in ever-changing environments. We are confident that we all share the goal of quality schools and quality education that prepare Idaho students to excel and meet the challenges that they will face as they become adults and leaders in our communities and our state.

One of the services we provide to locally elected school board leaders is our model school policy services. Like other school board associations across the country, it is an optional but widely used service that we offer.

School leaders in Idaho have been dealt the responsibility of handling LGBT issues in their schools without explicit state or federal statutes to guide them. Rather they must navigate inconsistent court rulings, or guidance and rules issued through federal agencies, some of which can and has changed overnight depending on who is elected to serve as President of the United States. Current interpretation of Title IX – and likewise for Title VII – does protect discrimination on the basis of sex to include a person's gender identity and sexual orientation.

All of ISBA's model policies are drafted in-house and go through an extensive legal review process. None of ISBA's current employees are attorneys, and any legal questions are referred to our outside legal counsel whose lawyers practice education law and represent education clients throughout the state. ISBA does not write any model policy based on any special interest group or entity, and our business partners and affiliates have not played a role in writing any model policy. Our model policies are developed to assist school communities address practical issues that arise in their schools on a daily basis and require a clear, uniform and workable solution.

"Empower Local Boards for Student Success"

Attorney General Raúl Labrador
January 30, 2023
Page 2



As you noted in your letter, policies adopted at the local level vary, and are tailored to fit the individual community. That is precisely how ISBA's model policies service works. Like any action of a public agency, when a school board adopts a policy, it can do so only in a properly noticed public board meeting. The policy you inquired about was initially released in July 2015 based on *Dear Colleague* guidance issued by the U.S. Department of Education Office for Civil Rights. ISBA provides a model version of this policy upon request, or if a district or charter school chooses to purchase the complete manual that includes all our model policies, this is one of the policies that is included. ISBA's manual that includes all of its model policies is over 1,000 pages long, and it would be simply impossible for every policy to be adopted by a particular school board. Instead, individual boards choose the policies they need to govern their schools effectively. We have not, and do not, indicate to our members this policy is required by law. Rather, the policy serves as framework for each local board to determine – alongside their community – what is best for their students and helps them understand the various legal complexities and rights guaranteed to students under the United States Constitution. Those who have done so have done it with compassion, as they work with students and their families who may have an individual personal need. No matter what a school district or charter school does, they are subjecting themselves either to litigation from non-accommodated LGBT students or upset a group of parents who disagree with those accommodations.

ISBA has respected and upheld – and always will respect and uphold -- the authority of local school boards who have worked through these policies with their community. We have maintained that our job is to provide schools with a framework on sensitive topics that navigates the layers of legal complexities, all to avoid costly litigation, intense investigations from the U.S. Department Office for Civil Rights, or the loss of federal funding. As someone who was elected to uphold the law, I am sure you can appreciate while some people in Idaho would prefer to relinquish funding from and oversight by the federal government, the reality is that federal funding serves as a precious resource for public schools particularly for our most vulnerable students, such as students who receive special education services, free and reduced lunch, and more.

We agree that Idaho schools should be a safe environment, where all students acquire the basic skills, knowledge, and character that they need to thrive in life. It should be noted that in places where these policies have been adopted and operating for many years, there have been no reported incidents of unlawful behavior. We have worked diligently to ensure that schools can accommodate children or parents who may disagree or are uncomfortable with this type of policy.

"Empower Local Boards for Student Success "



Attorney General Raúl Labrador
January 30, 2023
Page 3

We have traditionally had an excellent working relationship with the Office of the Attorney General in Idaho, partnering to inform school board members on Idaho's openness in government laws. I would welcome an opportunity to meet with you or your staff directly or provide you my direct contact information where you can reach me by phone if you have any questions regarding the work and mission of ISBA.

Our members and their needs are our number one priority. We are proud of our mission to advocate for Idaho students and public education and will continue to support and empower local school boards for student success.

Thank you again for your interest. I would be happy to meet with you or one of your colleagues to discuss further if you would like.

Best Regards,

Misty Swanson
Executive Director

Exhibit 5



EDUCATION GOVERNMENT + POLITICS

Attorney general questions legality of ‘dangerous’ LGBTQ+ policy used in many Idaho schools

AG says policy may violate Idaho law and says his office is taking a ‘serious look’

BY: **CARLY FLANDRO** - JANUARY 25, 2023 10:03 PM



📷 Idaho Attorney General Raúl Labrador this week questioned the legality of what he called a “dangerous” and “suspect” LGBTQ+ rights policy that’s already in place at about a third of Idaho’s school districts and charters. (Otto Kitsinger for the Idaho Capital Sun)

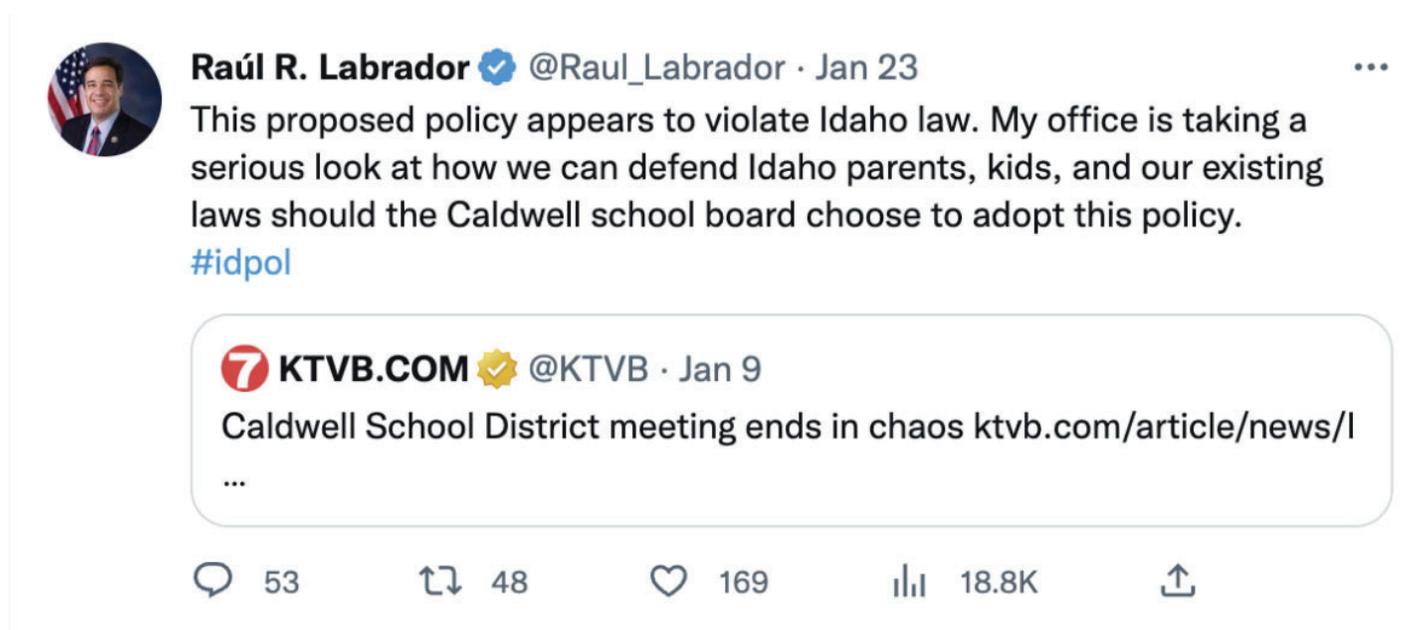
Originally posted on [IdahoEdNews.org](https://idahoednews.org) on January 25, 2023

Idaho Attorney General Raúl Labrador this week questioned the legality of what he called a “dangerous” and “suspect” LGBTQ+ rights policy that’s already in place at about a third of Idaho’s school districts and charters.

That policy came into the limelight when attendees at a Jan. 9 Caldwell School Board meeting [yelled at, insulted, and threatened board members](#) over the draft of a potential policy, which would establish rights and protections for all students, regardless of sexual orientation. Trustees were forced to call the meeting to an early end.

On Monday, Labrador chimed in on the discord on Twitter: “This proposed policy appears to violate Idaho law. My office is taking a serious look at how we can defend Idaho parents, kids, and our existing laws should the Caldwell school board choose to adopt this policy.”

Labrador further detailed his concerns in a [Wednesday letter](#) to Misty Swanson, the executive director of the Idaho School Boards Association.



If adopted, Caldwell’s draft policy would:

- Allow students to use bathrooms and locker rooms aligning with their gender identity.
- Protect students from being denied participation in overnight trips due to their sexual orientation.
- Require district staff to use a student’s preferred name and pronouns.
- Protect students’ privacy in regards to personal information, such as sexual orientation and legal name.
- Protect the rights of same-sex couples to attend school activities, including dances, and prohibit general discrimination against those couples.

Caldwell’s draft [policy](#) originated from an Idaho School Boards Association model policy. ISBA works with lawyers and staff members to create model policies that districts and charters may use and tailor to their individual needs.

Quinn Perry, the deputy director for ISBA, estimates that about 60 local education agencies or LEAs (which includes traditional school districts and charters) already have the LGBTQ+ policy in place. Perry pointed out that, in districts where students can use bathrooms and lockers rooms that align with their gender identity, accommodations can be made for other students who may be uncomfortable with that.

On Tuesday, Perry said she had no reason to believe the policy is violating any current Idaho law and reiterated that ISBA's model policies are vetted by an attorney.

Labrador's office at first gave no comment when asked for details on how the policies violate Idaho law or on the implications of Labrador's Tweets for LEAs where such policies are already in place.

"We won't comment on the specific laws implicated at this time because we don't litigate in the press," Emily Kleinworth, the public information specialist for the Attorney General's office, wrote in an email Wednesday morning.

However, a few hours later, Labrador's office sent EdNews a letter that he wrote to the ISBA's Executive Director Misty Swanson.

"I ... find it unsettling – and inconsistent with your stated values – that the ISBA would advocate a dangerous policy that actively disenfranchises parents and families, the cornerstone of any schooling system," Labrador wrote in the letter.

Labrador also cited Idaho Code [67-1041](#), which lays out the duties of an attorney general.

"As Idaho's Attorney General, it is my job to protect the rights of Idaho residents and safeguard the legal interests of the State," Labrador wrote. "I have serious concerns that Policy 3281 conflicts with state law, infringes on the fundamental rights of Idaho parents to direct their children's upbringing and education, and violates educators' first Amendment rights. I also worry that the policy will endanger students ..."

Labrador listed a number of specific concerns, including that the policy would:

- "Allow biological boys to use girls' locker rooms and bathrooms"
- "Force teachers to use pronouns that don't correspond to students' biological sex" and
- "Require school employees to conceal students' intimate choices about sex and gender – along with potential gender dysphoria – from their parents."

Labrador also admonished the ISBA for any role it may have played in providing legal advice to the Caldwell school board regarding the policy.

"Navigating the important, delicate state-federal balance of power and authority is something a nonprofit organization should refrain from doing," he said.

Swanson was not immediately available to comment on the letter. EdNews will update the story if Swanson or ISBA provides further comment.

Republican Sen. Cindy Carlson calls LGBTQ+ rights policies "garbage"

State Superintendent Debbie Critchfield and Sen. Cindy Carlson, R-Riggins, have weighed in on the policy as well.

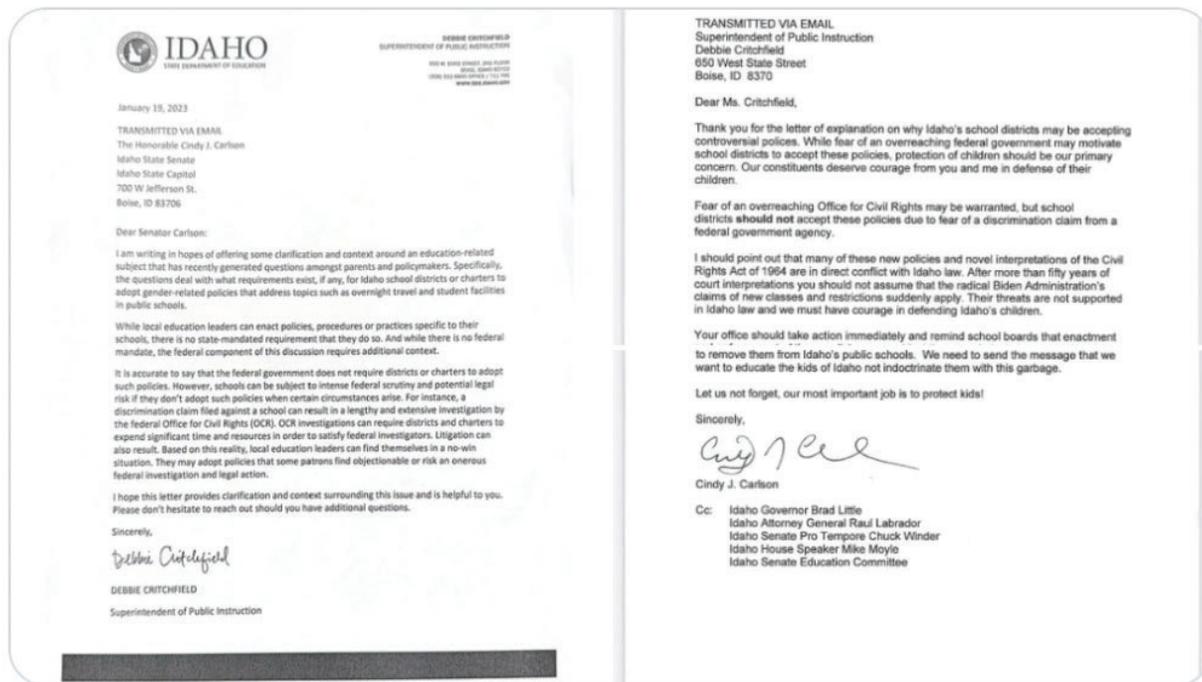
On Monday, the Idaho Freedom Caucus posted photos of letter correspondence between the two on its Twitter page.



Idaho Freedom Caucus @freedomcaucusID · Jan 23

Letter from the State Superintendent regarding the transgender policies, and a well thought out response from Sen. Carlson, an Idaho Freedom Caucus member.

#nicholsforidah #peopletician #provenconservative #idgop #idleg #idfreesomcaucus



7 16 32 1,922

In an emailed letter dated Jan. 19, Critchfield wrote to Carlson to offer "some clarification and context" about whether Idaho LEAs are required "to adopt gender-related policies that address topics such as overnight travel and student facilities in schools."

There are no federal or state mandates to required schools to adopt such policies, but local education leaders may opt to do so, Critchfield wrote.

However, LEAs are also subject to "intense federal scrutiny and potential legal risk" if they don't have such policies in place.

“Based on this reality, local education leaders can find themselves in a no-win situation,” Critchfield wrote. “They may adopt policies that some patrons find objectionable or risk an onerous federal investigation and legal action.”

Last year, the U.S. Department of Education’s Office of Civil Rights (OCR) confirmed that [Title IX protects students from discrimination based on sexual orientation and gender identity and explained it will enforce Title IX.](#)

In a Jan. 23 response, Carlson wrote that “school districts **should not** accept these policies due to fear of a discrimination claim from a federal government agency.”

According to the Office for Civil Rights, “LGBTQ+ students often face additional challenges in schools, including disproportionately experiencing persistent bullying, harassment, and victimization.”

“The Department of Education strives to provide schools with the support they need to create learning environments that enable all students to succeed, regardless of their gender identity or sexual orientation,” Acting Assistant Secretary for Civil Rights Suzanne B. Goldberg said in a [June 2021 press release](#). “As part of our mission to protect all students’ civil rights, it is essential that OCR acts to eliminate discrimination that targets LGBTQ+ students.”

Carlson urged Critchfield to “take action immediately and remind school boards that enactment and enforcement of these policies may subject them to criminal charges under Idaho law.”

Carlson then cited indecent exposure and child abuse laws.

Carlson CC’d Gov. Brad Little, Labrador, Sen. Chuck Winder, Rep. Mike Moyle and the Idaho Senate Education Committee, and called for all to “come together and take a stand against these controversial policies” and protect Idaho’s kids.

“We want to send the message that we want to educate the kids of Idaho not indoctrinate them with this garbage,” Carlson wrote.

The same day, Labrador took to Twitter with his comments on Caldwell’s proposed policy.

LGBTQ policies already in place can vary, but some mirror Caldwell’s draft proposal

EdNews searched the policies at some of the state’s largest districts and charters, and found a handful where a similar policy to Caldwell’s draft proposal is in place. Those LEAs and links to their policies are listed below:

- Bonneville School District: Read the policy [here](#)
- Twin Falls School District: Read the policy [here](#) on page 82
- Idaho Virtual Academy: Read the policy [here](#) on page 164
- Idaho Arts Charter: Read a policy on name/gender changes [here](#) and a policy and policy on transgender and gender nonconforming students [here](#)

- Sage International: Read the policy [here](#) on page 94

In some cases, the policies that are already on record are very similar to Caldwell's draft policy. That's the case for the policies in place at Twin Falls School District, the Idaho Virtual Academy, the Idaho Arts Charter, and Sage International.

But in other cases, the policy is notably different.

Bonneville's policy, for example, requires students to use restrooms/dressing rooms according to "official records," unless a student has a doctor's note "verifying the student is taking a medically prescribed hormone treatment under a physician's care for the purpose of gender transition."

In terms of overnight trips, students are "assigned sleeping rooms pursuant to the sex assigned to the student in their official school records." However, the policy allows for accommodations for students if parents request them.

Bonneville's policy does not require staff to use a student's preferred name and pronouns whenever possible, as do versions of the policy at other LEAs.

What's next for Caldwell? Labrador pushes for another public meeting.

After its Jan. 9 board meeting was cut short, trustees also canceled a second hearing on the proposed LGBTQ+ student policy "after careful consideration and due to safety concerns."

"The trustees will be working with the Caldwell Police Department to create a plan to ensure the safety of participants at all future meetings because the safety of our students, parents, patrons, and staff is of utmost importance," the district said [in a statement posted on its website](#).

At this time, it's unclear when or whether another public hearing might be held.

On Monday, Labrador seemed to push for another public meeting in a second Tweet on the policy: "The Caldwell school board should be protecting all non-violent free speech. Parents have a right to show up and have their voices heard on all issues affecting their children. I look forward to seeing parents being granted access in future meetings."



Raúl R. Labrador @Raul_Labrador · Jan 23 ...

The Caldwell school board should be protecting all non-violent free speech. Parents have a right to show up and have their voices heard on all issues affecting their children. I look forward to seeing parents being granted access in future meetings. [#idpol](#)

KTVB.COM @KTVB · Jan 17

Caldwell School Board cancels public hearing ktvb.com/article/news/e

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CARLY FLANDRO

Reporter Carly Flandro works in the East Idaho bureau of Idaho Ed News. A former high school English teacher, she writes about teaching, learning, diversity and equity. You can follow her on Twitter [@idahoedcarly](#) and send her news tips at carly@idahoednews.org.

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Basin District #72

STUDENTS - GENDER IDENTITY AND SEXUAL ORIENTATION

POLICY 513

Page 1 of 4

Gender Identity and Sexual Orientation

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. This policy is designed to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities. Failure of any school student or school employee to abide by the terms and provisions of this policy will subject such individual to disciplinary action.

Definitions

“Sexual orientation” shall mean an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

“Gender identity” shall refer to a person's deeply felt internal sense of their own gender.

“Gender expression” shall refer to how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

“Transgender”, an adjective, shall refer to a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

School Facilities

In the case of middle/junior high school students and high school students, the principal or building administrator is encouraged to request a meeting with a transgender student and, if the student grants permission, with their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.

In the case of elementary school students, it will generally be the parent/guardian that informs the school of the impending transition. However, if the school's staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, it may be appropriate for the school's administrative staff and/or counselor to approach the student's parent/guardian about the issue. An individual teacher shall not approach a student's parent/legal guardian to address such a student situation without first conferring with the school's administration about the subject and obtaining permission to enter into such a discussion. A meeting may be held at the request of the student's parent/guardian or at the request of the

Basin District #72

principal or building administrator. Together, the family and school can identify appropriate steps, if any, to support the student.

Students will be allowed to use the restrooms and locker rooms that correspond to the gender identity they consistently assert at school. No student will be required to use facilities that conflict with his or her gender identity consistently asserted at school. A transgender student or any other student who has a need or desire for increased privacy may be given the option of using a separate or private restroom or changing area, such as a single stall restroom, if such is available. No student shall, on account of their transgender status, be required to use such separate facilities.

School Activities

The District will provide all students the opportunity to participate in any activities segregated by gender in a manner that is consistent with their gender identity consistently asserted at school. However, activities under the direction of the Idaho High School Activities Association (IHSAA) shall be subject to IHSAA rules and regulations.

School Trips

In the case of overnight trips sponsored by the District, students will be assigned sleeping rooms that correspond to the gender identity they consistently assert at school or to a private sleeping room. No student shall be required to sleep in a private room or in an assigned room conflicting with his or her consistently asserted school gender identity.

In no case will a transgender student be denied the right to participate in an overnight trip because of that student's transgender status.

In no case will a student be denied the right to participate in an overnight trip because of that student's sexual orientation. Likewise, a student will not be required to use a private sleeping room or be denied participation on the basis of that student's sexual orientation.

Student Records and Privacy

The District's official records required by law shall utilize a student's legal name. In situations where State or federal law or administrative rules require school employees to use or report a student's legal name or gender, such legal name or gender shall be utilized. However, school staff shall use practices to avoid the inadvertent disclosure of the student's transgender status.

Information regarding a student's sexual orientation, gender identity, gender expression, legal name, or gender assigned at birth may constitute confidential information. Disclosure of such information shall be in accordance with District policies pertaining to student privacy. The student's educational record shall not include mention of the student's sexual orientation.

Basin District #72

However, in the course of ordinary school interactions and communication, District staff shall use the name and pronouns consistently asserted by the student at school, regardless of the student's legal name and sex. A student is not required to legally change their name, gender, or official school records as a prerequisite to the use of a name and the pronouns consistent with the student's identity. Intentional and persistent refusal to use the name and gender by which the student identifies is a violation of this policy and may subject an employee to discipline, up to and including possible termination.

Change of Official School Records

District records required by law to include the student's legal name and/or gender will be changed by the District upon the student or former student's presentation of appropriate documentation to the District Office. Any current or former student may present to the Superintendent or designee responsible for student records a copy of a court order or birth certificate identifying a change the student's legal name and/or gender. The student's records will be changed accordingly.

Confidentiality

School employees should not disclose a student's transgender status or sexual orientation to other individuals, regardless of setting, including the other school personnel or (in the case of middle school, junior high school, and high school students) the student's parents/guardians, unless they have a legitimate need to know or unless the student has authorized such disclosure. Action in violation of such student confidentiality may subject an employee to discipline, up to and including possible termination and for certificated personnel, a report to the Professional Standards Commission.

When contacting the parent/guardian of a transgender student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student or parent/guardian has specified otherwise.

Training

The District may conduct staff development or awareness activities for students or parents on transgender issues or gender diversity. However, in regard to such activities the District and its personnel shall not disclose the transgender status of any student without permission of that student and their parent(s)/guardian(s).

Dress Codes

School dress codes shall be gender neutral in all situations, including attire during the traditional school day, school activities including dances and prom, and graduation. The District will allow students to dress in a manner that is consistent with their gender identity within the constraints of the dress codes and any other rules regarding student attire.

Basin District #72

Students may wear clothing or accessories that voice their views on lesbian, gay, bisexual, and transgender (LGBT) issues, regardless of viewpoint, provided these conform to the dress code; are not a disruption to the educational environment; and are not obscene, threatening, lewd, or vulgar.

School Dances

The District shall not impose different or unique practices or rules for same sex couples who attend and/or participate in school activities, including dances. This includes such matters as prohibition of attendance of same sex student couples, limitations of public displays of affection only applicable to same sex couples, discounted couples tickets, gender identity for dance court titles that correspond to birth sex, and other such distinctions.

Safe Environment

It is the responsibility of the District to ensure all students, including LGBT students, have a safe school environment. Discrimination, harassment, bullying, or sexual harassment complaints involving LGBT students shall be handled in the same manner as other discrimination, harassment, bullying, and sexual harassment complaints.

Cross Reference: 2140 Student and Family Privacy Rights
 3255 Student Dress
 3280 Equal Education, Nondiscrimination, and Sex Equity
 3290 Sexual Harassment/Intimidation of Students
 3295 Hazing, Harassment, Intimidation, Bullying, Cyber Bullying,
 Menacing
 3575 Student Data Privacy and Security

Legal Reference: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
 I.C. § 33-133(1)(j)(ii) Definitions—Student Data—Use and
 Limitations—Penalties

Other Reference: Idaho High School Activities Association Rules & Regulations, Rule 11-3
 Transgender Student Participation

Policy History:

Adopted on: 8/16/2016

Revised on:

GENDER IDENTITY AND SEXUAL ORIENTATION

The Bonneville Joint School Board of Trustees believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. The Board also believes in ensuring that every student has equal access to all school programs and activities.

Guidelines

Meeting with Parent(s)/Guardian(s)

1. Generally, it will be the responsibility of a transgender student's parent/guardian to request a meeting with the administrator or staff to discuss appropriate accommodations to support and meet the needs of the student with respect to their gender identity, sexual orientation, or transgender status.
2. The building administrator may request a meeting with a transgender student and with the parent or guardian of the student in response to a student's change of gender or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.
3. Together, the family and administrator can identify appropriate steps, if any, to support the student.

Official Student Records

1. Requests to make changes to official student records required by law to include a student's legal name and/or gender will be handled on an individual basis pursuant to a meeting with the student and his/her parent(s) or guardian(s).
2. Official records may only be changed upon presentation of the following documentation:
 - a. Court order or birth certificate identifying a change of the student's legal name and/or gender.

Restroom/Dressing Room Use

1. Official student records will be used to determine restroom/dressing room use.
2. Physician's written statement verifying the student is taking a medically prescribed hormone treatment under a physician's care for the purposes of gender transition

may be used temporarily to determine restroom/dressing room usage consistent with rules adopted by the Idaho High Schools Athletics Association.

Student Privacy

1. A student's transgender status or sexual orientation should not be disclosed to other individuals including other District personnel unless there is a need to know or unless the student has authorized such disclosure.
2. District staff shall implement practices to avoid inadvertent disclosure of a student's transgender status.

Extracurricular Activities

Participation in extracurricular activities will be under the direction of the Idaho High School Activities Association (IHSAA).

School Sponsored Overnight Trips

1. In the case of overnight trips sponsored by the District, students will be assigned sleeping rooms pursuant to the sex assigned to the student in their official school records.
2. If accommodations are requested a plan will be developed by the parent(s) or guardian(s) and the trip advisor with the idea of supporting the student and making him/her comfortable.

Disciplinary Action

1. Discrimination, harassment, bullying, or sexual harassment complaints shall be handled in the same manner for all students.
2. Failure of any District employee to abide by the terms and provisions of this policy may subject such individual to disciplinary action up to and including termination and for certificated personnel, a report to the Professional Standards Commission.

DEFINITIONS:

Gender Expression: how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerism.

Gender Identity: a person's deeply felt internal sense of their own gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

Gender Transition: the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Sex Assigned at Birth: the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Sexual Orientation: an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

Transgender: a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

Transgender Female: someone who identifies as female but was assigned the sex of male at birth.

Transgender Male: someone who identifies as male but was assigned the sex of female at birth.

Adopted 01-11-2017 Reviewed Revised 08-08-2018

Cross Reference: Student and Family Privacy Rights #2140
Equal Education, Nondiscrimination, and Sex Equity #3280
Sexual Harassment/Intimidation of Students #3290
Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing #3295
Safe and Secure Learning Environment #3555
Student Data Privacy and Security #3665
Uniform Grievance #4112

Legal Reference: Idaho Code § 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations—
Penalties
20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments

Other Reference: Idaho High School Activities Association (IHSAA) Rules & Regulations, Rule 11-
3 Transgender Student Participation

Jerome Joint School District No. 261

STUDENTS

3281

Gender Identity and Sexual Orientation

The Board believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. This policy is designed to create a safe learning environment for all students and to ensure that every student has equal access to all school programs and activities.

Definitions

"Sexual orientation" shall mean an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

"Gender identity" shall refer to a person's deeply felt internal sense of their own gender.

"Gender expression" shall refer to how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

"Transgender", an adjective, shall refer to a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

"Gender Non Conforming", not adhering to societies gender norms.

School Facilities

In the case of middle/junior high school students and high school students, the principal or building administrator is encouraged to request a meeting with a transgender student and, if the student grants permission, with their parent/guardian upon the student's enrollment in the District or in response to a currently enrolled student's change of gender expression or identity. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity. If the student requests a formal gender support plan, parental permission is required.

In the case of elementary school students, it will generally be the parent/guardian that informs the school of the impending transition. However, if the school's staff believe that a gender identity or expression issue is presenting itself and creating difficulty for the child at school, it may be appropriate for the school's administrative staff and/or counselor to approach the student's parent/guardian about the issue. An individual teacher shall not approach a student's parent/legal guardian to address such a student situation without first conferring with the school's administration about the subject and obtaining permission to enter into such a discussion. A meeting may be held at the request of the student's parent/guardian or at the request of the principal or building administrator. Together, the family and school can identify appropriate steps, if any, to support the student.

School Activities

Activities under the direction of the Idaho High School Activities Association (IHSAA) shall be subject to IHSAA Rules and regulations.

Student Records and Privacy

The District's official records required by law shall utilize a student's legal name. In situations where State or federal law or administrative rules require school employees to use or report a student's legal name or gender, such legal name or gender shall be utilized. However, school staff shall use practices to avoid the inadvertent disclosure of the student's transgender status.

Information regarding a student's sexual orientation, gender identity, gender expression, legal name, or gender assigned at birth may constitute confidential information. Disclosure of such Information shall be in accordance with District policies pertaining to student privacy. The student's educational record shall not include mention of the student's sexual orientation.

A student is not required to legally change their name, gender, or official school records as a prerequisite to the use of a name and the pronouns consistent with the student's identity.

Change of Official School Records

District records required by law to include the student's legal name and/or gender will be changed by the District upon the student or former student's presentation of appropriate documentation to the District Office. Any current or former student may present to the Superintendent or designee responsible for student records a copy of a court order or birth certificate identifying a change the student's legal name and/or gender. The student's records will be changed accordingly..

Confidentiality

School employees should not disclose a student's transgender status or sexual orientation to other Individuals, regardless of setting, including the other school personnel or (m the case of middle school, junior high school, and high school students) the student's parents/guardians, unless they have a legitimate need to know or unless the student has authorized such disclosure.

Training

The District may conduct staff development or awareness activities for students or parents on transgender issues or gender diversity. However, in regard to such activities the District and its personnel shall not disclose the transgender status of any student without permission of that student and their parents/guardians.

Dress Codes

School dress codes shall be gender neutral in all situations, including attire during the traditional school day, school activities including dances and prom, and graduation. The District will allow students to dress in a manner that is consistent with their gender identity within the constraints of the dress codes and any other rules regarding student attire.

School Dances

The District shall not impose different or unique practices or rules for same sex couples who attend and/or participate in school activities, including dances. This includes such matters as prohibition of attendance of same sex student couples, limitations of public displays of affection only applicable to same sex couples, discounted couples tickets, gender identity for dance court titles that correspond to birth sex, and other such distinctions.

Safe Environment

It is the responsibility of the District to ensure all students, including LGBT students, have a safe school environment. Discrimination, harassment, bullying, or sexual harassment complaints involving LGBT students shall be handled in the same manner as other discrimination, harassment, bullying, and sexual harassment complaints

Cross References:	2140	Student and Family Privacy Rights
	3255	Student Dress
	3280	Equal Education Nondiscrimination and Sex Equity
	3290	Sexual Harassment / Intimidation of Students
	3295	Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing
	3575	Student Data Privacy and Security

Legal References:	20 U.S.C. § 1681, et seq.	Title IX of the Education Amendments of 1972
	I.C. § 33-133(l)(j)(ii)	Definitions - Student Data — Use and Limitations – Penalties

Other Reference: Idaho High School Activities Association, Current Rules and Regulations Manual Rule 11-3
Transgender Student Participation

Policy History:

Adopted on: 07/19/2022

Revised on: 11/15/2022

POLICY TITLE: GENDER IDENTITY AND SEXUAL ORIENTATION

**POLICY NO: 519.5
PAGE 1 of 3**

The Blackfoot School District believes in fostering an educational environment that is safe and free of discrimination for all students, regardless of sexual orientation, gender identity, or gender expression. The Board also believes in ensuring that every student has equal access to all school programs and activities.

DEFINITIONS:

Gender Expression: how a person expresses their gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerism.

Gender Identity: a person's deeply felt internal sense of their own gender. A person's gender identity may be different from or the same as the person's sex assigned at birth.

Gender Transition: the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

Sex Assigned at Birth: the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Sexual Orientation: an individual's physical or emotional attraction to the same and/or the opposite gender. "Gay," "lesbian," "bisexual" and "straight" are all examples of sexual orientations. A person's sexual orientation is distinct from a person's gender identity and expression.

Transgender: a person whose gender identity or expression is different from that traditionally associated with the person's sex assigned at birth.

Transgender Female: someone who identifies as female but was assigned the sex of male at birth.

Transgender Male: someone who identifies as male but was assigned the sex of female at birth.

GUIDELINES:

Meeting with Parent(s)/Guardian(s)

1. Generally, it will be the responsibility of a transgender student's parent/guardian to request a meeting with the administrator to discuss appropriate accommodations to support and meet the needs of the student with respect to their gender identity, sexual orientation, or transgender status.
2. The building administrator may request a meeting with a transgender student and with the parent or guardian of the student in response to a student's change of gender or identity.
3. The goal of the meeting is to develop understanding of that student's needs with respect to their gender identity.

4. Together, the family and administrator can identify appropriate steps, if any, to support the student.

Official Student Records

1. Requests to make changes to official student records required by law to include a student's legal name and/or gender will be handled on an individual basis pursuant to a meeting with the student and his/her parent(s) or guardian(s).
2. Official records may only be changed upon presentation of the following documentation:
 - a. Court order or birth certificate identifying a change of the student's legal name and/or gender.

Restroom/Dressing Room Use

1. Official student records will be used to determine restroom/dressing room use.
2. Physician's written statement verifying the student is taking a medically prescribed hormone treatment under a physician's care for the purposes of gender transition may be used temporarily to determine restroom/dressing room usage consistent with rules adopted by the Idaho High School Activities Association.
3. If accommodations are requested a plan will be developed by the parent(s) or guardian(s) and the building administrator with the idea of supporting the student and making him/her comfortable.

Student Privacy

1. A student's transgender status or sexual orientation should not be disclosed to other individuals including other District personnel unless there is a need to know or unless the student has authorized such disclosure.
2. District staff shall implement practices to avoid inadvertent disclosure of a student's transgender status.

Extracurricular Activities

Participation in extracurricular activities will be under the direction of the Idaho High School Activities Association (IHSAA).

School Sponsored Overnight Trips

1. In the case of overnight trips sponsored by the District, students will be assigned sleeping rooms pursuant to the sex assigned to the student in their official school records.
2. If accommodations are requested a plan will be developed by the parent(s) or guardian(s) and the trip advisor with the idea of supporting the student and making him/her comfortable.

Disciplinary Action

1. Discrimination, harassment, bullying, or sexual harassment complaints shall be handled in the same manner for all students.
2. Failure of any District employee to abide by the terms and provisions of this policy may subject such individual to disciplinary action up to and including termination and for certificated personnel, a report to the Professional Standards Commission.



CROSS REFERENCE:

Board Policy 506: Student Harassment

Board Policy 506.5: Prohibition Against Harassment, Intimidation and Bullying

Board Policy 512: School Climate

Board Policy 681: Student Records: FERPA and forms 681F1, 681F2, 681F3

LEGAL REFERENCE:

Idaho Code § 33-133(1)(j)(ii) Definitions—Student Data—Use and Limitations—Penalties

20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments

OTHER REFERENCE:

Idaho High School Activities Association (IHSAA) Rules & Regulations, Rule 11-3 Transgender Student Participation

AMENDED: January 17, 2019

Exhibit 6



IDAHO
STATE DEPARTMENT OF EDUCATION

DEBBIE CRITCHFIELD
SUPERINTENDENT OF PUBLIC INSTRUCTION

650 W. STATE STREET, 2ND FLOOR
BOISE, IDAHO 83702
(208) 332-6900 OFFICE / 711 TRS
WWW.SDE.IDAHO.GOV

January 19, 2023

TRANSMITTED VIA EMAIL

The Honorable Cindy J. Carlson
Idaho State Senate
Idaho State Capitol
700 W Jefferson St.
Boise, ID 83706

Dear Senator Carlson:

I am writing in hopes of offering some clarification and context around an education-related subject that has recently generated questions amongst parents and policymakers. Specifically, the questions deal with what requirements exist, if any, for Idaho school districts or charters to adopt gender-related policies that address topics such as overnight travel and student facilities in public schools.

While local education leaders can enact policies, procedures or practices specific to their schools, there is no state-mandated requirement that they do so. And while there is no federal mandate, the federal component of this discussion requires additional context.

It is accurate to say that the federal government does not require districts or charters to adopt such policies. However, schools can be subject to intense federal scrutiny and potential legal risk if they don't adopt such policies when certain circumstances arise. For instance, a discrimination claim filed against a school can result in a lengthy and extensive investigation by the federal Office for Civil Rights (OCR). OCR investigations can require districts and charters to expend significant time and resources in order to satisfy federal investigators. Litigation can also result. Based on this reality, local education leaders can find themselves in a no-win situation. They may adopt policies that some patrons find objectionable or risk an onerous federal investigation and legal action.

I hope this letter provides clarification and context surrounding this issue and is helpful to you. Please don't hesitate to reach out should you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Critchfield".

DEBBIE CRITCHFIELD

Superintendent of Public Instruction



DISTRICT 7
ADAMS, IDAHO AND
NEZ PERCE COUNTIES



STATE CAPITOL
P.O. BOX 83720
BOISE, IDAHO 83720-0081
(208) 332-1355
ccarlson@senate.idaho.gov

Idaho State Senate

SENATOR CINDY CARLSON

January 23, 2023

TRANSMITTED VIA EMAIL

Superintendent of Public Instruction
Debbie Critchfield
650 West State Street
Boise, ID 8370

Dear Ms. Critchfield,

Thank you for the letter of explanation on why Idaho's school districts may be accepting controversial policies. While fear of an overreaching federal government may motivate school districts to accept these policies, protection of children should be our primary concern. Our constituents deserve courage from you and me in defense of their children.

Fear of an overreaching Office for Civil Rights may be warranted, but school districts **should not** accept these policies due to fear of a discrimination claim from a federal government agency.

I should point out that many of these new policies and novel interpretations of the Civil Rights Act of 1964 are in direct conflict with Idaho law. After more than fifty years of court interpretations you should not assume that the radical Biden Administration's claims of new classes and restrictions suddenly apply. Their threats are not supported in Idaho law and we must have courage in defending Idaho's children.

Your office should take action immediately and remind school boards that enactment and enforcement of these policies may subject them to criminal charges under Idaho law. Every person who exposes his or her genitals in a place where another is offended thereby is guilty of misdemeanor Indecent Exposure. Idaho Code 18-4116(1). Anyone who assists or encourages such a demonstration of genitalia is guilty of the same. Idaho Code 18-4116(2).

A person who causes a child unjustifiable mental suffering is guilty of child abuse under Idaho law. Idaho Code 19-1501(2). Causing a child to show genitalia in a locker room or on a school trip to other children appears to meet that standard – **such policies are child abuse under Idaho law**. Idaho law requires that **such child abuse be reported**

by school teachers and administration to law enforcement or they too are subject to criminal penalties. Idaho Code 16-1605.

The acceptance of these policies is having a harmful and sometimes even abusive effect on the kids and communities of Idaho. If collectively Governor Little, you, as Superintendent of Public Instruction, the State Board of Education, Attorney General Raul Labrador, and the Idaho Legislature come together and take a stand against these controversial policies we will be providing the kids of Idaho a way to be protected.

These new and controversial policies are causing parents who wish to protect their kids to remove them from Idaho's public schools. We need to send the message that we want to educate the kids of Idaho not indoctrinate them with this garbage.

Let us not forget, our most important job is to protect kids!

Sincerely,

A handwritten signature in black ink, appearing to read "Cindy J. Carlson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cindy J. Carlson

Cc: Idaho Governor Brad Little
Idaho Attorney General Raul Labrador
Idaho Senate Pro Tempore Chuck Winder
Idaho House Speaker Mike Moyle
Idaho Senate Education Committee

Exhibit 7



**Response to News Media Regarding Presidential Directive
Re: Civil Rights of Transgender Students**

Boise, ID -- 05/13/2016 -- Boise School District received the directive from the White House and will be reviewing it further, but believe it reinforces our practice, as well as prior guidance from the federal government, which is captured in the following information that all Boise schools received earlier this school year:

The U.S. Department of Education Office for Civil Rights has instructed schools nationwide that sex discrimination prohibitions in federal law include protections for gender identity. As such, under federal civil rights law, the District is required to provide access to public facilities consistent with the student's gender identity.

Gender identity is not a fluid concept. A student may not choose to identify as a male one day and a female the next. School districts elsewhere that have implemented these policies require that the gender identification be both persistent and consistent over time.

Our Counseling Department has developed an intake process and Gender Support Plan to help the schools and families ensure the best support for their specific situation related to transgender students.

Furthermore, in August, we sent out resources to schools to help provide guidance as they continue to provide safe and supportive school environments for all students, including transgender students. In school principals' meetings, transgender issues have also been an agenda topic, as needed.

Exhibit 8

About IFPC

Idaho Family Policy Center

Idaho Family Policy Center is a ministry that advances the lordship of Christ in the public square through engaging the church, promoting God-honoring public policy, and training statesmen.

As the premier conservative Christian policy research and educational organization in the state, IFPC is working to promote biblically sound public policy that protects the sanctity of life, safeguards religious freedom, strengthens parental rights, recognizes biblical truths in sexuality and gender, and stimulates economic opportunity.

Only the gospel can transform the culture, but the Great Commission involves a cultural mandate to prophetically point people back to God's good design by teaching the nations to obey everything Jesus has commanded. IFPC engages the church, discipling Christians in biblical worldview so that they can stand winsomely for truth and make a positive impact for God's kingdom in their communities.

A member of the nationwide family policy council movement, IFPC works closely with an alliance of pro-family groups in other states, as well as national groups including Family Research Council, Focus on the Family, Family Policy Alliance, and Alliance Defending Freedom.

National Partners



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BLOG

[PREVIOUS](#)[School and Library Smut: We're Not Backing Down!](#)[NEXT](#)[ALERT: Tell Gov. Brad Little to Ban Child Sex Changes!](#)

👤 Blaine Conzatti 📅 March 23, 2023 ⌚ 1:46 pm 💬 2 Comments

Huge news: Gov. Brad Little has signed our legislation to protect the privacy and safety of all students in school bathrooms!

Senate Bill 1100a – which was drafted and championed by Idaho Family Policy Center – requires schools to maintain separate restroom, shower, and changing facilities for biological males and biological females.

We've been saying all along that children can excel academically only if they feel safe at school. This legislation gives schools certainty as they formulate bathroom policies that create a safe learning environment for all students.

I'd especially like to congratulate our bill sponsors, **Sen. Ben Adams (R-Nampa)** and **Rep. Ted Hill (R-Eagle)**, for their willingness to lead on such an important issue.

None of this would have been possible without your partnership. Thousands of you used our Action Center to contact your state legislators, shared our legislative updates, and financially supported our ministry.

Thank you! And stay tuned—this will be only the first big announcement of many in these last few days of the 2023 Idaho Legislative Session.



Blaine Conzatti

Comments

2 Responses



Roxanna Lynn says:

April 5, 2023 at 12:42 am

It is a sad state of affairs that this is necessary!
Government and other adults needing to use children to validate their own choices, their own sins.

[Reply](#)



Nicholas Outumuro says:

April 6, 2023 at 10:40 am

Great job! Thank you so much. PLEASE keep up the good work! I'd love to know how I can get involved in building Idaho as the strongest pro family state in the nation.

[Reply](#)

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

Website

Save my name, email, and website in this browser for the next time I comment.

POST COMMENT

Exhibit 9

Filters

Learn which data elements are associated with certain search filters

Submit Search

Reset search

Keyword

Search by Keyword

idaho board of education

Time Period

Fiscal Year

Date Range

- All Fiscal Years
- FY 2023
- FY 2022
- FY 2021
- FY 2020
- FY 2019
- FY 2018
- FY 2017
- FY 2016
- FY 2015
- FY 2014
- FY 2013
- FY 2012
- FY 2011
- FY 2010
- FY 2009
- FY 2008

Award Type

Agency

3 Active Filters:

KEYWORD

idaho board of education

TIME PERIOD

FY 2023 FY 2022

TABLE

TIME

MAP

CATEGORIES

Learn how active filters work

Prime Awards

Sub-Awards

Spending by Prime Award

What's included in this view of the data?

View a list of award summaries based on your selected filters. Click the Award ID, Recipient Name, or Awarding Agency to find more detailed information on individual awards including transaction history, subawards, and more.

[read more](#)

Contracts 2 Grants 64 Direct Payments 1 Loans 0 Other 0

Award ID	Recipient Name	Start Date (Period of Performance)	End Date (Period of Performance)	Total Obligations to Date	Total Outlays to Date
227ID03N1199	EDUCATION, IDAHO STATE BOARD ...	10/1/2021	9/30/2022	\$163,153,555	\$146,145,682
217ID03N1199	EDUCATION, IDAHO STATE BOARD ...	10/1/2020	9/30/2021	\$76,427,872	\$76,427,872
H027A220088	EDUCATION, IDAHO STATE BOARD ...	7/1/2022	9/30/2023	\$65,862,888	\$22,146,407
H027A210085	EDUCATION, IDAHO STATE BOARD ...	7/1/2021	9/30/2022	\$63,721,804	\$56,096,494
S010A220012	EDUCATION, IDAHO STATE BOARD ...	7/1/2022	9/30/2023	\$60,274,418	\$15,389,116
S010A180012	EDUCATION, IDAHO STATE BOARD ...	7/1/2018	9/30/2019	\$59,491,072	\$14,679,105
237ID03N1199	EDUCATION, IDAHO STATE BOARD ...	10/1/2022	9/30/2023	\$58,861,384	\$43,676,669
S010A170012	EDUCATION, IDAHO STATE BOARD ...	7/1/2017	9/30/2018	\$58,570,343	\$232,576
S010A160012	EDUCATION, IDAHO STATE BOARD ...	7/1/2016	9/30/2017	\$58,198,489	--

award_id_fain	total_funding	awarding_agency_nam	recipient_name_raw
237IDID7I5003	\$ 214,670.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID3N8903	\$ 2,682,607.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID1L1603	\$ 3,033,966.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID4N1150	\$ 125,271.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID3N1099	\$ 128,474.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID3N2020	\$ 327,815.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID2N2533	\$ 981,294.00	Department of Agriculture	ID DEPT OF EDUCATION
237IDID3N1199	\$ 58,861,384.00	Department of Agriculture	ID DEPT OF EDUCATION
227IDID5I2003	\$ 761,595.00	Department of Agriculture	ID DEPT OF EDUCATION
EMW-2021-FG-10208	\$ 499,999.54	Department of Homeland Security	BOARD OF EDUCATION IDAHO STATE
S424F220013	\$ 4,833,025.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
227IDID7N8103	\$ 114,774.00	Department of Agriculture	ID DEPT OF EDUCATION
A22AV00985	\$ 69,039.00	Department of the Interior	EDUCATION, IDAHO STATE BOARD OF
S144F220012	\$ 59,645.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S013A220012	\$ 432,948.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S365A220012	\$ 2,452,298.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
V002A220012	\$ 2,817,787.00	Department of Education	IDAHO STATE BOARD OF EDUCATION
S424A220013	\$ 6,176,960.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF

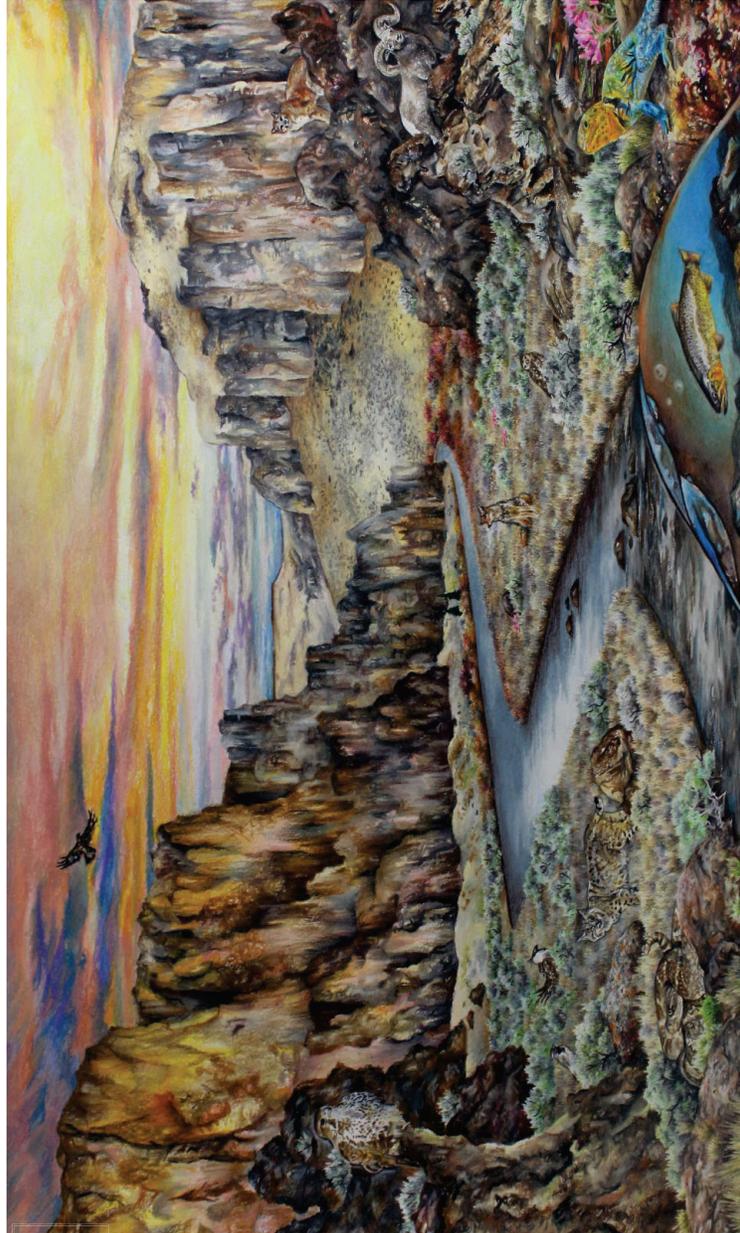
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S367A220011	\$ 10,671,833.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S011A220012	\$ 6,306,847.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S358B220012	\$ 129,031.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
H027A220088	\$ 65,862,888.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S010A220012	\$ 60,274,418.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S196A220013	\$ 383,051.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
H173A220030	\$ 2,361,670.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
V048A220012	\$ 8,371,565.00	Department of Education	BOARD OF EDUCATION IDAHO STATE
S369A220013	\$ 4,346,100.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S287C220012	\$ 6,564,398.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
227IDID3N8903	\$ 10,313,502.00	Department of Agriculture	ID DEPT OF EDUCATION
227IDID1L1603	\$ 1,805,204.45	Department of Agriculture	ID DEPT OF EDUCATION
227IDID3N2020	\$ 761,084.06	Department of Agriculture	ID DEPT OF EDUCATION
227IDID2N2533	\$ 1,271,020.92	Department of Agriculture	ID DEPT OF EDUCATION
227IDID3N1199	\$ 163,153,554.80	Department of Agriculture	ID DEPT OF EDUCATION
227IDID4N1150	\$ 175,588.28	Department of Agriculture	ID DEPT OF EDUCATION
217IDID2H1706	\$ 495,131.33	Department of Agriculture	ID DEPT OF EDUCATION

award_id_fain	total_funding	awarding_agency_nam	recipient_name_raw
H027A210088	\$ 63,721,804.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S367A210011	\$ 10,421,077.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
V048A210012	\$ 8,066,593.00	Department of Education	IDAHO STATE BOARD OF EDUCATION
S010A210012	\$ 57,359,431.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
217IDID1H1703	\$ 2,127,492.38	Department of Agriculture	ID DEPT OF EDUCATION
217IDID3N1199	\$ 76,427,872.09	Department of Agriculture	ID DEPT OF EDUCATION
217IDID4N1150	\$ 74,648.50	Department of Agriculture	ID DEPT OF EDUCATION
90TP0084	\$ -	Department of Health and Human Services	EDUCATION, IDAHO STATE BOARD OF
217IDID1L1603	\$ 1,631,055.39	Department of Agriculture	ID DEPT OF EDUCATION
217IDID3N1099	\$ 44,124,789.27	Department of Agriculture	ID DEPT OF EDUCATION
217IDID3N2020	\$ 355,698.69	Department of Agriculture	ID DEPT OF EDUCATION
H323A200002	\$ 1,874,142.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
H79SM083648	\$ 3,589,697.00	Department of Health and Human Services	EDUCATION, IDAHO STATE BOARD OF
HG343422060A16	\$ 1,998,139.00	Department of Labor	BOARD OF EDUCATION IDAHO STATE
H79SM082129	\$ 2,924,796.00	Department of Health and Human Services	EDUCATION, IDAHO STATE BOARD OF
207IDID4N1050	\$ 168,320.00	Department of Agriculture	ID DEPT OF EDUCATION

award_id_fain	total_funding_	awarding_agency_nam	recipient_name_raw
198ID459N7603	\$ 1,335,667.93	Department of Agriculture	ID DEPT OF EDUCATION
188ID152N7604	\$ 96,247.05	Department of Agriculture	ID DEPT OF EDUCATION
P334S180012	\$ 35,000,000.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
NU87PS004315	\$ 336,561.78	Department of Health and Human Services	EDUCATION, IDAHO STATE BOARD OF
S010A180012	\$ 59,491,072.16	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S424A180013	\$ 5,306,633.00	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S377A160013	\$ 1,792,096.67	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S365A170012	\$ 2,100,830.12	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S010A170012	\$ 58,570,343.46	Department of Education	EDUCATION, IDAHO STATE BOARD OF
S010A160012	\$ 58,198,489.24	Department of Education	EDUCATION, IDAHO STATE BOARD OF

Independent School District of Boise City 2022-2023 Annual Budget

July 1, 2022
Through
June 30, 2023



Owyhees
Taelyn Baiza
Boise High

TOTAL BUDGET FOR ALL GOVERNMENTAL FUNDS

The following schedule and graphs show the District's total budgeted revenues and expenditures for all funds for the 2022-2023 school year.

Revenues	General Fund	Special Revenue	Debt Service	Capital Fund	Total	Total
	2022-23	Fund 2022-23	Fund 2022-23	2022-23	2022-23	2021-22
Local Revenue	\$121,556,631	\$5,762,893	\$19,234,500	\$25,000	\$146,579,024	\$136,376,028
State Revenue	156,373,013	2,317,967	0	2,404,000	161,094,980	149,057,241
Federal Revenue	40,447	43,673,484	0	0	43,713,931	73,107,414
Other Sources	1,146,171	0	0	7,357,000	8,503,171	8,347,000
Use of Fund Balance	6,134,934	1,613,588	0	23,391,280	31,139,802	25,404,522
Total Revenues	\$285,251,196	\$53,367,932	\$19,234,500	\$33,177,280	\$391,030,908	\$392,292,205
Expenditures						
Salaries	\$179,197,709	\$19,784,514	\$0	\$0	\$198,982,223	\$184,797,734
Benefits	61,576,102	6,846,694	0	0	68,422,796	65,357,328
Purchased Services	22,309,927	2,793,572	0	7,781,130	32,884,629	30,220,397
Supplies & Materials	12,549,458	12,416,478	0	0	24,965,936	25,917,762
Capital Outlay	1,511,000	10,368,772	0	25,396,150	37,275,922	32,600,998
Debt Retirement	0	0	19,030,600	0	19,030,600	22,026,950
Insurance & Judgments	750,000	2,300	0	0	752,300	727,300
Transfers	7,357,000	1,146,171	0	0	8,503,171	8,347,000
Unappropriated Fund Balance	0	9,431	203,900	0	213,331	22,296,736
Total Expenditures	\$285,251,196	\$53,367,932	\$19,234,500	\$33,177,280	\$391,030,908	\$392,292,205

Boise School District receives 37.49 percent of its revenues from local sources, including property taxes, 41.2 percent from the State, 11.18 percent from the federal government, 2.17 percent from Other Sources, and 7.96 percent from the use of fund balance. The District plans to utilize \$31.1 million from fund balance in 2022-23. The largest use of fund balance is from the capital fund (\$23.3 million) to balance the budget. Most of the District expenditure budget is spent on salaries and benefits (68.39%). The next largest expenditure area is capital outlay (9.53%) which include deferred maintenance and capital construction expenditures.

Exhibit 10

From: [REDACTED]
To: [Senator Ali Rabe](#); [Senator Doug Ricks](#); [Senator James Ruchti](#); [Senator Geoff Schroeder](#); [Senator Ron Taylor](#); [Senator Ben Toews](#); [Senator Chris Trakel](#); [Senator Julie VanOrden](#); [Senator Janie Ward-Engelking](#); [Senator Chuck Winder](#); [Senator Melissa Wintrow](#); [Senator Glenneda Zuiderveld](#)
Subject: Vote YES on S1100
Date: Thursday, March 2, 2023 9:49:28 AM

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

God made a man - Adam - then made a woman - Eve.

Vote YES on S1100 !

If a human truly believes he or she is a horse, that belief does not make it true. That belief demonstrates a serious mental problem in the individual - and the same for a male who believes he is a female (and vice versa).

Vote YES on S1100.