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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

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BY: Stephanie Paniagua, Deputy

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF SAN BERNARDINO

15 CIV SB 2317301

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA, EX REL. ROB BONTA,
18 ATTORNEY GENERAL OF THE STATE
19 OF CALIFORNIA,

18 Plaintiff,

19 v.

20 CHINO VALLEY UNIFIED SCHOOL
21 DISTRICT,

22 Defendant.

Case No.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

Date:

Time:

Dept:

Judge:

Trial Date:

Action Filed:

24 The People of the State of California, by and through Rob Bonta, Attorney General of the
25 State of California, allege on information and belief as follows:

26 INTRODUCTION

27 1. The People of the State of California, acting by and through Attorney General Rob
28 Bonta (collectively, the People), seek declaratory and injunctive relief, declaring Board

1 Policy 5020.1's (Policy 5020.1 or Policy) forced disclosure provisions unconstitutional according
2 to the State Constitution and in violation of State law, and enjoining Chino Valley Unified School
3 District from implementing Policy 5020.1's forced disclosure provisions.

4 2. Policy 5020.1's forced disclosure provisions include:

5 a. subdivisions 1(a) and 1(b) of the Policy in full;

6 b. subdivision 1(c) of the Policy, insofar as it applies to transgender or gender
7 nonconforming students' requests to change their name, pronouns, sex, or gender
8 on unofficial records; and

9 c. subdivision 5 of the Policy, insofar as it applies to transgender or gender
10 nonconforming students (i) requesting to be treated as a gender other than the
11 student's biological sex or gender listed on the student's birth certificate or any
12 other official records or (ii) accessing sex-segregated school programs or activities
13 that do not align with the student's biological sex or gender listed on the student's
14 birth certificate or any other official records.

15 3. Education is a fundamental right in California pursuant to the Equal Protection Clause
16 of the California Constitution, and education is essential to prepare our youth for civic
17 participation and to provide them with the information and judgment needed to maintain a healthy
18 democracy. (Cal. Const., art. IX, § 1.) As California's Constitution recognizes, the "diffusion of
19 knowledge and intelligence [is] essential to the preservation of the rights and liberties of the
20 people" (Cal. Const., art. IX, § 1.) Formal education also plays an essential role in building
21 understanding of California's diverse communities and the shared values that unite them.

22 4. This fundamental right to education is available to all, including those students who
23 are transgender, gender nonconforming, and those whose gender expression and gender identity
24 differ from their cisgender and gender conforming peers.

25 5. Under the California Constitution, and pursuant to state law, local educational
26 agencies must ensure that any policies they implement provide equal protection to all students
27 regardless of their gender expression, gender identity, or sexual orientation, and may not
28

1 unlawfully discriminate against any protected class of students while receiving funds from the
2 State. (Cal. Const., art. I, § 7; Ed. Code, § 200 et seq.; Gov. Code, § 11135.)

3 6. The California Constitution also prohibits local educational agencies from infringing
4 on the privacy rights of their students. (Cal. Const., art I, § 1.)

5 7. These responsibilities of local educational agencies—to provide equal protection to
6 all students, and to refrain from infringing on the privacy rights of students—must not be taken
7 lightly, and certainly should not be used as justification for discrimination. However, instead of
8 honoring these duties, the Chino Valley Unified School District (District or CVUSD) has singled
9 out an especially vulnerable group of children and youth for discriminatory treatment:
10 transgender and gender nonconforming students.¹

11 8. On July 20, 2023, the District School Board adopted Policy 5020.1 and its forced
12 disclosure provisions. The policy mandates that Chino Valley Unified School District employees
13 “out” transgender and gender nonconforming students to their parents or guardians, regardless of
14 the students’ wishes, whenever the student asks to be identified or treated as a gender “other than
15 the student’s biological sex or gender listed on the student’s birth certificate or any other official
16 records.”

17 9. Policy 5020.1 also requires forced disclosure whenever a student requests to use a
18 different name than their legal name or to use pronouns “that do not align with the student’s
19 biological sex or gender listed on the student’s birth certificate or other official records.”

20 10. And Policy 5020.1 requires staff members to notify parents or guardians whenever
21 the student requests to access “sex-segregated school programs and activities,” including asking
22 to join a sports team or use a different bathroom.

23 11. Since the first day of the 2023-2024 school year, Policy 5020.1 has placed
24 transgender and gender nonconforming students in danger of imminent, irreparable harm from the
25 consequences of forced disclosures. These students are currently under threat of being outed to
26 their parents or guardians against their express wishes and will. They are in real fear that the

27 ¹ As explained below, as used herein, the term “gender nonconforming” includes
28 individuals who are gender nonbinary, i.e., whose gender identity fall outside the traditional male-
female binary.

1 District’s policy will force them to make a choice: either “walk back” their constitutionally and
2 statutorily protected rights to gender identity and gender expression, or face the risk of emotional,
3 physical, and psychological harm from non-affirming or unaccepting parents or guardians.

4 12. Policy 5020.1 unlawfully discriminates against transgender and gender
5 nonconforming students, subjecting them to disparate treatment, harassment, and abuse, mental,
6 emotional, and physical. This is by design: the Board’s plain motivations in adopting Policy
7 5020.1 were to create and harbor animosity, discrimination, and prejudice towards these
8 transgender and gender nonconforming students, without any compelling reason to do so.

9 13. Without action from this Court, transgender and gender nonconforming students’
10 rights to be free from unlawful discrimination, harassment, and abuse will be violated.

11 JURISDICTION AND VENUE

12 14. This Court has jurisdiction over the allegations and subject matter of the People’s
13 Complaint filed in this action and the parties to this action pursuant to Government Code
14 section 11180 et seq., and Government Code sections 525, 526, 1060; venue is proper in this
15 County.

16 PARTIES

17 15. The Attorney General is the chief law officer of the State and has the authority to see
18 that the State’s laws are uniformly and adequately enforced for the protection of public rights and
19 interests. (Cal. Const., art. V, § 13; Gov. Code, § 11180 et seq.) The Attorney General may file
20 any civil action for the enforcement of California’s laws he deems necessary for the protection of
21 public right and interests, absent direct constitutional or legislative restrictions. (See, e.g., *People*
22 *ex rel. Deukmejian v. Brown* (1981) 29 Cal.3d 150, 157.)

23 16. Defendant Chino Valley Unified School District receives state funds, is a public
24 school district organized and existing under the laws of the State of California, and is responsible
25 for providing public education to District students.

26 17. Defendant Chino Valley Unified School District is located in San Bernardino County
27 and serves nearly 26,000 students.

28

1 **FACTUAL BACKGROUND**

2 18. In California, education is a fundamental interest, and students have the right to equal
3 protection with respect to its provision. (*Serrano v. Priest* (1971) 5 Cal.3d 584, 608-609, 619.)
4 The State of California and the District are required to ensure that all students, regardless of
5 gender, gender identity, and gender expression, are treated equally in all aspects of education.
6 (Cal. Const., art. I, § 7, subd. (a); Ed. Code, §§ 200, 220, 262.4.)

7 19. The Attorney General has the authority, in his sole discretion, to bring claims against
8 a school district for violation of the California Constitution, Article 1, section 7, or where the
9 district has violated students’ right to be treated equally in all aspects of education, regardless of
10 gender, gender identity, and gender expression. (Ed. Code, §§ 200, 220.)

11 20. The Attorney General has the authority, in his sole discretion, to bring claims against
12 a school district that has unlawfully subjected transgender and gender nonconforming students in
13 the district to discrimination while receiving funds from the state. (Gov. Code, § 11135.)

14 21. The Attorney General has the authority, in his sole discretion, to bring claims against
15 a school district for violation of the California Constitution, Article I, section 1, where the district
16 has violated the privacy rights of its students.

17 **A. Transgender and Gender Nonconforming Students in Unsupportive**
18 **Environments Experience High Degrees of Discrimination and Harassment**

19 22. An individual is transgender if their gender identity differs from the sex the person
20 had or was identified as having at birth. Gender nonconforming individuals include those whose
21 gender identities that are not solely male or female (i.e., gender nonbinary). (Diamond, *Gender*
22 *Fluidity and Nonbinary Gender Identities Among Children and Adolescents* (2020) 14 Child
23 Development Perspectives 110.)

24 23. Gender identity is not a choice, and it is not a mental illness. It is an essential part of
25 one’s identity and being, and cannot be voluntarily changed.

26 24. Transgender students in unsupportive or unsafe environments suffer significant levels
27 of discrimination, abuse, and harassment, both physical and mental, well above their non-
28 transgender peers.

1 25. Though schools are typically safe and supportive environments, schools that are not
2 can create serious harms for transgender students. A report analyzing 2017-2019 data concerning
3 students across 2,749 California schools—in grades seven, nine, and 11—found that transgender
4 students in California reported negative school experiences and poorer mental health “at higher
5 rates” than any other “sexual orientation subgroups.” (Hanson et al., *Understanding the*
6 *Experiences of LGBTQ Students in California* (Oct. 2019) The California Endowment, pp. 9, 52,
7 <https://tinyurl.com/v452ty7s>.)

8 26. A study of 2015-2016 data from California public schools found that more than 40
9 percent of transgender students reported being bullied because of their gender identity, as
10 opposed to only 7.3 percent of non-transgender students who reported gender-based bullying or
11 bullying on the basis of perceived gender identity. (De Pedro et al., *Exploring Physical,*
12 *Nonphysical, and Discrimination-Based Victimization Among Transgender Youth in California*
13 *Public Schools* (2019) 1 *Internat. J. of Bullying Prevention* 218, 222.)

14 27. This same study also reported that more than half (55.6 percent) of transgender
15 students in the State reported physical victimization (such as being threatened with a weapon,
16 threatened with harm, shoved, or in a physical fight), and more than two-thirds (69.2 percent)
17 reported nonphysical victimization, such as being called a demeaning name or being the recipient
18 of demeaning sexual jokes or gestures. (De Pedro, *supra*, *Internat. J. of Bullying Prevention* at
19 p. 222.)

20 28. Because transgender students face discrimination because of their gender identity,
21 they are also at risk of suicide and serious mental health issues. (James et al., *The Report of the*
22 *2015 U.S. Transgender Survey* (Dec. 2016) Nat. Ctr. for Transgender Equality, at p. 132; Kosciw
23 et al., *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual,*
24 *Transgender, and Queer Youth in Our Nation’s Schools* (2020) GLSEN, pp. 52-4; Jody L.
25 Herman, *Gendered Restrooms and Minority Stress: The Public Regulation of Gender and Its*
26 *Impact on Transgender People’s Lives* (2013) *J. of Pub. Mgmt. & Soc. Pol’y* 65, 76-8)

27 29. Eighty-six percent of transgender youth reported suicidal thoughts, and 56 percent of
28 transgender youth reported a previous suicide attempt. (Austin et al., *Suicidality Among*

1 *Transgender Youth: Elucidating the Role of Interpersonal Risk Factors* (2020) 37 J. Interpersonal
2 Violence 5.)

3 30. Conversely, transgender children who socially transition² have mental health
4 outcomes that mirror those of their cisgender peers. (Coleman et al., *Standards of Care for the*
5 *Health of Transgender and Gender Diverse People, Version 8* (2022) 23 Internat. J. of
6 Transgender Health S1, S77.)

7 31. A recent study examined the impact of supportive environments (i.e., affirming use of
8 chosen name and pronouns) on depression, suicidal ideation and suicide attempts among
9 transgender youth. Results showed that adding one context (e.g., school, friends) where affirmed
10 gender was used consistently decreased suicidal behavior by 56 percent. (Russell et al., *Chosen*
11 *Name Use Is Linked To Reduced Depressive Symptoms, Suicidal Ideation, And Suicidal Behavior*
12 *Among Transgender Youth*, J. of Adolescent Health (2018) pp. 503-505.)

13 32. The U.S. Centers for Disease Control and Prevention has found that, “[s]chool
14 connectedness, which is the feeling among adolescents that people at their school care about
15 them, their well-being, and success, has long-lasting protective effects for adolescents. Youth
16 who feel connected at school are less likely to experience risks related to substance use, mental
17 health, violence, and sexual behavior.” (Centers for Disease Control, *Youth Risk Behavior Survey:*
18 *Data Summary & Trends Report* (2021) p. 72.)

19 33. Additionally, while many transgender or gender nonconforming youth are fortunate
20 to have parents or guardians who are accepting of their gender identity, others are not so lucky.
21 Those who do not have parents or guardians who accept or affirm their gender identity risk
22 physical, mental, and emotional harm and abuse if their parents, guardians, or other relatives learn
23 of their identity.

24 34. In the 2015 U.S. Transgender Survey, 10 percent of respondents said that an
25 immediate family member had been violent toward them because they were transgender, and 15

26 ² Social transition is the process by which transgender people publicly affirm their gender identity
27 after coming out. This commonly involves changing one’s name and pronouns, as well as dress
28 and other external gender cues such as voice and mannerisms. (Olson et al., *Gender Identity 5*
Years After Social Transition (2022) 150 Pediatrics 2.) That study found that 94 percent of
transgender youth maintain their gender identity five years after social transition.

1 percent ran away from home or were kicked out of their home because they were transgender.
2 (James et al., *supra*, Nat. Ctr. for Transgender Equality at p. 65.) Of those who transitioned in the
3 year preceding the survey, eight percent reported violence from an immediate family member
4 because they were transgender, seven percent ran away from home, and eight percent had been
5 kicked out of their home. (*Id.* at pp. 71-72, 74.)

6 35. Fewer than one-in-three transgender and gender nonbinary youth found their home to
7 be gender-affirming, or accepting of their gender identity. (The Trevor Project, 2022 National
8 Survey on LGBTQ Youth Mental Health, p. 4, <https://tinyurl.com/2fn5xfjr>.)

9 36. Due to these risks, many transgender and gender nonconforming students are not
10 “out” to their immediate families.

11 37. Recognizing these risks, the California Department of Education has issued statewide
12 guidance since at least 2014, generally recommending that school officials and staff members not
13 “out” students to their parents or guardians against the students’ wishes. (Cal. Dept. of Ed.,
14 Frequently Asked Questions, <https://www.cde.ca.gov/re/di/eo/faqs.asp>.) Doing so, the guidance
15 notes, could “compromise the student’s safety” by “increasing the student’s vulnerability to
16 harassment,” violence, or other forms of abuse at school or at home. (*Ibid.*)

17 38. Many California districts, including Chino Valley Unified, have incorporated this
18 guidance into binding Administrative Regulations; CVUSD’s had been in place for years before
19 the adoption of Policy 5020.1.

20 39. California’s Education Code also requires schools to permit students “to participate in
21 sex-segregated school programs and activities, including athletic teams and competitions, and use
22 facilities consistent with” their “gender identity, irrespective of the gender listed on the pupil’s
23 records.” (Ed. Code, § 221.5, subd. (f).)

24 **B. The Chino Valley Unified District School Board Adopts Policy 5020.1 and**
25 **Demonstrates Its Animus**

26 40. On July 20, 2023, the District School Board, which has five members, held a public
27 meeting to discuss whether to adopt Policy 5020.1, requiring, in relevant part, school personnel to
28

1 “out” transgender and gender nonconforming students to their parents or guardians without their
2 consent and even against their express wishes.

3 41. Over several hours, more than 80 members of the public spoke regarding the forced
4 disclosure policy.

5 42. Those opposing the policy included current and former LGBTQ+ and cisgender
6 students, and teachers, parents, mental health professionals, and advocates who warned that the
7 policy would endanger transgender and gender nonconforming students.

8 43. A current CVUSD transgender student stated, “[t]his policy threatens my safety” and
9 “tells me I don’t belong.” The student explained: “52 percent of trans kids feel accepted at school,
10 but only 35 percent feel accepted at home. That leaves a large gap there of kids who feel welcome
11 at school but not at home. Feeling safe at school lessens suicide risk. If a student isn’t out to their
12 parent, [Policy 5020.1] shoves them ‘in the closet’ at school. That’s a miserable place to be.”

13 44. Another LGBTQ+ and current CVUSD student added, “[t]his policy will destroy the
14 lives of kids who should not have to live in fear for being their true selves.”

15 45. A third CVUSD student, who self-identified as LGBTQ+, noted that “LGBTQ youth
16 who experience parental rejection are eight times more likely to attempt suicide and six times
17 more likely to report major depressive symptoms.”

18 46. Explaining the consequences of forced disclosure, a recent graduate from a CVUSD
19 high school, who also self-identified as LGBTQ+, stated that “[Students] could be kicked out or
20 attacked by their parents both physically and verbally. Their home life may become a living hell
21 because of that [disclosure].”

22 47. Several adults read letters to the Board by Chino Valley LGBTQ+ students or
23 individuals who feared for their safety.

24 48. One read a letter from a transgender student that explained: “If a student is outed to
25 their family without their consent, this could possibly result in abuse, hate crimes, getting kicked
26 out of their homes, [and] in extreme cases, being murdered.”

27
28

1 49. Another letter from a transgender student raised “the continuous fear and pressure
2 that [the Policy] put[s] upon all of us trans youth. . . . we’re constantly in a state of panic, fearing
3 the consequences of being outed. Some of us may even feel the need to hide our identities.”

4 50. Parents of current CVUSD students expressed similar opposition to Policy 5020.1’s
5 forced disclosure provisions. One parent, who was also a “public school educator with 22 years of
6 experience,” identified the Policy as “a flagrant attempt to isolate, shame, and otherwise alienate
7 our LGBTQIA students, creating a hostile environment for them in our public schools.”

8 51. Another parent and former educator stated, “[t]his policy breaks down trust between
9 parents, teachers, and students and exposes our most vulnerable students. Policies like this . . .
10 make all kids feel less safe. Kids cannot learn if they do not feel safe, period.”

11 52. One former educator “know[s] students who left the district because they were
12 outed,” cautioning that “[t]hey will be put in . . . risky situations; they will be unhoused; they will
13 have . . . suicidal tendencies if this policy is passed.”

14 53. Also speaking in opposition to the Policy’s forced disclosure provisions, a school
15 counselor on the board of directors of the National Association of Social Workers’ California
16 Chapter warned that Policy 5020.1 “directly contradicts” social workers’ “oath to do no harm in
17 our work with students,” including social workers’ commitment to “put our students’ safety and
18 trust first.”

19 54. Sounding similar notes, another individual speaking in opposition referenced research
20 showing that “if parent notification was mandated,” youth are “less likely to seek . . . counseling
21 or medical services.”

22 55. One CVUSD teacher put it starkly: “This policy will out a student . . . putting them
23 into a hostile household, which will further their mental degradation to the point where they will
24 harm themselves. . . . This policy will kill somebody.”

25 56. State Superintendent of Public Instruction Tony Thurmond also attended the hearing,
26 speaking in opposition. Superintendent Thurmond pointed out that the policy “not only may fall
27 outside of the laws that respect privacy and safety for our students but may put our students at
28 risk because they may not be in homes where they can be safe.”

1 57. Individuals who spoke in support of Policy 5020.1’s forced disclosure requirements
2 claimed that transgender identity is a “mental illness,” a “delusion,” and a “damaging ideolog[y].”

3 58. Echoing these statements before voting to enact the policy, Board members described
4 students who are transgender or gender nonconforming as suffering from a mental illness or
5 perversion, or as being a threat to the integrity of the nation and the family.

6 59. Board Member 1, for example, stated, “there’s always been man, woman; and then
7 you have this transgender [identity] . . . it is an illusion; it is mental illness.” He noted that “at the
8 end, our children are going to be lonely, isolated, and in despair. And a lot of them are not going
9 to be having children because it’s one way to reduce the population, realistically.”

10 60. Board Member 1 further likened the issues related to gender identity to a “death
11 culture,” and claimed that that the Policy was needed because “women are being erased,” and that
12 “[i]t’s not going to end with transgenderism. . . . You got to put a stop to it.”

13 61. The Board President expressed “appreciat[ion]” for “each one of our board member’s
14 viewpoints,” offering no repudiation of Board Member 1’s comments about transgender identity.

15 62. Additionally, the Board President stated that transgender and gender nonconforming
16 individuals needed “non-affirming” parental actions so that they could “get better.”

17 63. In an earlier part of the Board meeting, the Board President claimed that the State
18 Superintendent—who had cautioned that the policy may endanger transgender or gender
19 nonconforming youth—was “proposing things that pervert children.”³

20 64. In his comments supporting the Policy, Board Member 2 stated that it was needed to
21 counter Karl Marx’s call, in the *Communist Manifesto*, “for the abolition of the family” and
22 prevent the creation of “the, quote and unquote, ‘new man.’”

23 65. At the conclusion of its meeting, the Board voted 4-1 to approve Policy 5020.1. The
24 Board President and Board Members 1, 2, and 3 voted in support.

25 66. Board Member 4, the lone dissenter, expressed concern that “[i]f this policy passes,
26 we will have, effectively, shut the door on students confiding to a staff member or a teacher,”
27 preventing the school from being “a supportive place.” Board Member 4 continued: “So how

28 ³ *Id.*, p. 75:1-6.

1 good is this notification process if these students are, effectively . . . ‘throw[n] . . . back into the
2 closet . . . slamming the door?’”

3 **C. The Policy Singles Out Transgender and Gender Nonconforming Students**
4 **for Discriminatory Treatment**

5 67. The Policy states that a school’s “[p]rincipal/designee, certificated staff, and school
6 counselors” shall notify parents or guardians “in writing, within three days” whenever “any
7 District employee, administrator, or certificated staff, becomes aware” that a student is:

8 (a) Requesting to be identified or treated, as a gender (as defined in Education Code
9 Section 210.7) other than the student’s biological sex or gender listed on the student’s
10 birth certificate or any other official records. This includes any request by the student
11 to use a name that differs from their legal name (other than a commonly recognized
diminutive of the child’s legal name) or to use pronouns that do not align with the
student’s biological sex or gender listed on the student’s birth certificate or other
official records.

12 (b) Accessing sex-segregated school programs and activities, including athletic teams
13 and competitions, or using bathroom or changing facilities that do not align with the
14 student’s biological sex or gender listed on the birth certificate or other official
records.

15 (c) Requesting to change any information contained in the student’s official or
unofficial records.

16 (Policy 5020.1, § 1, subds. (a)-(c).)⁴

17 68. Policy 5020.1 also requires school personnel to log and officially document the
18 forced outing of a transgender or gender nonconforming student: “The District employees who
19 make such notification shall either keep a record of such notification (if written) or document
20 such notification (if verbal) and place the record or documentation in the student’s official student
21 information system.” (*Id.*, § 5.)

22 69. Finally, Policy 5020.1 contains the following paragraph:

23 For purposes of this Board policy, Family Code Section 6924, Health and Safety
24 Code Section 124260, and Education Code Section 49602(C), inclusion of
25 parent(s)/guardian(s) is appropriate unless specifically prohibited by law. Nothing in
26 this policy affects the obligations of the District’s employees, administrators, and
certificated staff as mandated reporters under Article 2.5 of the Child Abuse and
Neglect Reporting Act Sections 11164-11174.3 of the Penal Code, and the District
Policy 5141 and Administrative Regulations 5141.4(a)).

27 ⁴ Policy 5020.1 also has provisions relating to disclosures, for instance, related to complaints of
28 bullying involving a child. (*Id.*, § 4.) As noted above, this litigation challenges the Policy’s
provisions on forced disclosure of gender identity.

1 (*Id.*, § 6.)

2 70. As to this paragraph, at the Board Meeting, counsel for the District stated that Policy
3 5020.1 was limited in application based on “very specific statutes” governing school counselors
4 and the disclosure of confidential information, although he did not reference these citations
5 specifically. Counsel claimed that if a student aged 12 years or older stated to a school counselor
6 “while receiving counseling services” that they wished to use different bathroom facilities or told
7 the counselor they were “transgender, gender nonconforming, binary, . . . whatever it is that is
8 their gender identity,” the counselor would be prohibited from disclosing this information based
9 on privacy.

10 71. Counsel’s characterizations were incorrect, as these statutory provisions do not limit
11 forced disclosure of a student’s gender identity at all, or only limit such forced disclosure in
12 narrow circumstances.

13 72. Family Code Section 6924, subdivision (d), directs counselors and mental health
14 providers providing treatment to minors 12 years and older to include “the minor’s parent or
15 guardian” in the treatment of the minor “unless, in the opinion of the professional person who is
16 treating or counseling the minor, the involvement would be inappropriate.” Health and Safety
17 Code Section 124260, subdivision (c) contains a nearly identical provision for students 12 years
18 and older, except that it also requires the professional person to consult with a minor before
19 determining that parental involvement is inappropriate.

20 73. Thus, rather than providing *prohibitions* on disclosure, these sections only *permit*
21 non-disclosure if the counselor concludes disclosure would be appropriate.

22 74. Education Code section 49602 states that personal information disclosed by a student
23 “in the process of receiving counseling from a school counselor . . . is confidential.” However,
24 Education Code section 49602, subdivision (c)—the subdivision cited in Policy 5020.1—*permits*
25 counselors to “[r]eport[] information to the principal or parents of the pupil when the school
26 counselor has reasonable cause to believe that disclosure is necessary to avert a clear and present
27 danger to the health, safety, or welfare of the pupil” or “other school community members.”
28

1 75. Article 2.5 of the Child Abuse and Neglect Reporting Act (CANRA) simply requires
2 school personnel to report known or suspected child abuse to a Child Welfare Agency or a police
3 department; it does not require a school staff member to withhold a student’s transgender identity,
4 even if the staff member knows that disclosure could cause harm to the student.

5 76. Finally, Policy 5020.1 states that “[n]othing in this policy affects the obligations of
6 the District’s employees . . . under . . . District Policy 5141 and Administrative Regulation[]
7 5141.4(a).” But neither address student privacy or otherwise create an exemption to Policy
8 5020.1’s forced disclosure rule.

9 77. Chino Valley Administrative Regulation 5141.4(a) simply reiterates school
10 personnel’s mandatory reporting obligations under CANRA. And Policy 5141 enumerates steps
11 schools will take to provide “first aid and/or medical attention” in an emergency, noting that
12 “parents/guardians are notified as appropriate” whenever an accident or injury occurs.

13 **D. The Attorney General’s Investigation of Policy 5020.1**

14 78. On August 4, 2023, the Department of Justice (DOJ) began an investigation to
15 determine the legality and effect of Policy 5020.1’s forced disclosure provisions pursuant to
16 Government Code section 11180 et seq. The District was notified of the opening of the
17 investigation that same day.

18 79. Under Government Code section 11181, subdivision (h), the DOJ may “[p]resent
19 information or evidence obtained or developed from the investigation of unlawful activity to a
20 court . . . in connection with any action or proceeding.”

21 80. During the investigation, the DOJ interviewed or communicated with current District
22 counsel, the District Superintendent, students, parents, teachers, and community members
23 regarding Policy 5020.1 and its effects, and received documents responsive to subpoenas.

24 81. DOJ learned that counsel for the District provided a training and PowerPoint
25 presentation to school administrators across the District on July 19, 2023. In that training, counsel
26 referenced California’s right to privacy (Cal. Const., art. I, § 1), the right to safe schools (Cal.
27 Const., art I, § 28, subd. (f)), Education Code section 49602, and Penal Code section 11165.7 as
28

1 “legal issues with respect to parental notification.” Counsel also acknowledged the
2 recommendations provided in the California Department of Education’s statewide guidance.

3 82. At that training, district Superintendent Dr. Norm Enfield told administrators that
4 there were no other trainings planned, but that administrators were to train school staff about
5 Policy 5020.1 in staff training immediately prior to the first day of school on August 7, 2023.

6 83. On August 4, 2023, teachers in at least one school in the District attended training
7 from a school administrator regarding the District’s Policy 5020.1.

8 84. In an August 4 training at one school, a principal informed teachers that after the
9 school disclosed the student’s gender identity to the student’s parents or guardians, the school
10 principal would arrange a meeting between the principal, the student, and the student’s parents or
11 guardians. The principal also told teachers that the principal would “call the child out of class,”
12 inform the student of “what was going to happen,” and attempt to persuade the student to “walk it
13 back”—i.e., to disclaim their gender identity—before the meeting.

14 85. When a teacher asked for clarification in that training about when a “name” change
15 would trigger the forced disclosure, the principal stated that the forced disclosure would occur
16 only if the teacher received a request for a name change that the teacher believed was “gender
17 connected.”

18 86. During that training, the principal informed teachers that if they did not report a
19 student’s name, gender, or bathroom request to the school administration, it will be “an HR
20 issue.”

21 87. The principal also told teachers not to bring up the policy in their classrooms to avoid
22 students getting “fired up,” warning that if teachers did raise it with students, the teachers would
23 find themselves in an “awkward, uncomfortable position.”

24 88. Several teachers in the District have also informed DOJ that school personnel have
25 already disclosed several students’ gender identities to their parents or guardians without the
26 students’ consent, and have observed that these students have experienced emotional, physical, or
27 mental harm following the forced disclosure.

28

1 89. One teacher reported that one of his students was outed, against her wishes, within the
2 first two days of schools, leaving her in tears.

3 90. Multiple teachers have described how Policy 5020.1’s forced disclosure provisions
4 have created an environment of fear that has substantially harmed their students.

5 91. One teacher shared that, since the enactment of Policy 5020.1, LGBTQ+ students are
6 having hushed conversations about “which teacher is safe” and “which teacher might report
7 them.”

8 92. A second teacher observed “significant change” in students at his high school. As the
9 faculty liaison for the student-run LGBTQ+ club, this teacher had in previous years seen students
10 expressing their gender identity and other parts of their personality “openly,” with “enthusiasm,”
11 “energy and excitement.” After Policy 5020.1, students are “withdrawn” and “no longer . . .
12 speaking up” about “LGBTQ+ rights.”

13 93. One student, Jordan,⁵ informed a teacher that, following the enactment of Policy
14 5020.1, “I feel like I’m not wanted.” He expressed fear that his teacher will be forced to out him
15 to his parents, as Jordan had a parent hostile toward the LGBTQ+ community who had “an
16 aggressive personality”; Jordan “did not feel safe” if his gender identity was disclosed.

17 94. A former educator and parent of current students in the District spoke numerous times
18 with Morgan, a current District student who expressed fear of severe physical or emotional harm
19 that Policy 5020.1 would cause him.

20 95. Morgan had participated in his school’s “Gender Support Plan”—which provided
21 accommodations for his gender identity at school—but became fearful enough that he asked the
22 former educator whether he should delete their support plan and all the accommodations included
23 to avoid the even greater harm that would be caused by forced disclosure.

24 96. Chris, a current student in the District who prefers they/them pronouns, confirmed the
25 harms that students experienced when they (the students) felt unsafe and unable to openly share
26 their gender identity with faculty. Chris noted that when a teacher refused to recognize their
27 (Chris’s) gender identity, it caused them to withdraw completely from participating at all in class.

28 ⁵ Students are referred to by pseudonyms herein to protect their privacy and safety.

1 97. Chris was in attendance at the District’s July 20 Board meeting, and when they heard
2 the comments made by Board members, after several queer or transgender students had made
3 their presence known during public comment—comments calling transgender identity a
4 “delusion” or “mental illness”—Chris felt that the Board member “was speaking to us, the trans
5 kids in the audience. . . . like he wanted us to know that we were an illness that needed to be
6 cured. That we needed to be exterminated.”

7 98. The Board’s policy and its statements made Chris feel physically threatened.

8 99. Another transgender student in the District informed Chris that though this student
9 usually asks teachers to call them by a gender-affirming nickname, the student was too afraid to
10 do so this year due to the policy, and was “struggling with depression and anxiety.”

11 100. Chris affirmed how “extremely draining” it was to hide their identity. Chris stated,
12 “No kid wants to have to waste time that could be spent finishing their homework to attend a
13 Board meeting to fight for their right to exist. . . . We don’t deserve to be shoved back in the
14 closet, forever afraid to express who we are.”

15 101. The Rainbow Youth Project, an LGBTQ+ organization working in Chino Valley,
16 established a crisis hotline to collect reports related to the enactment of Policy 5020.1. Between
17 August 5 and 23, 2023, the Rainbow Youth Project’s case management and crisis teams answered
18 61 communications specifically from San Bernardino County, as reported by the individual
19 callers utilizing the hotline number designed for reports regarding Policy 5020.1.

20 102. Of the communications about Policy 5020.1’s forced disclosure provisions to
21 Rainbow Youth Project: 58 contacts reported a desire to relocate to a different school district; 54
22 contacts sought resources regarding rights and procedures under federal antidiscrimination law;
23 26 contacts screened positive for anxiety; 17 contacts screened positive for isolation; and one
24 contact expressed thoughts of self-harm and/or suicidal ideation that pre-dated the adoption of
25 Policy 5020.1 but were exacerbated by the adoption of Policy 5020.1. The individual expressing
26 thoughts of self-harm was referred to mental health counseling.

1 constitute a protected class for equal protection purposes, because—like racial minorities and
2 women—they have been subject to invidious treatment unrelated to their ability to contribute to
3 society. (*In re Marriage Cases* (2008) 43 Cal.4th 757, 843-844.) It follows that gender identity is
4 a suspect classification as well.

5 111. Following an investigation carried out pursuant to his authority as the state’s chief
6 law officer and pursuant to Government Code section 11180 et seq., the Attorney General has
7 determined that Defendant has violated the California Constitution, Article 1, section 7, by
8 subjecting transgender and gender nonconforming students in the District to expressly
9 discriminatory treatment, through passage and implementation of Policy’s 5020.1’s forced
10 disclosure provisions.

11 112. The District’s passage and implementation of Policy 5020.1’s forced disclosure
12 provisions violate the California Constitution, Article 1, section 7, by subjecting transgender and
13 gender nonconforming students in the District to expressly discriminatory treatment.

14 113. The District has no compelling interest for singling out transgender and gender
15 nonconforming students to different and unfavorable treatment, and the forced disclosure
16 provisions are neither necessary nor narrowly tailored.

17 114. Due to Defendant’s violations of the California Constitution, declaratory and
18 injunctive relief is an appropriate remedy.

19 **SECOND CAUSE OF ACTION**

20 **(Violation of Education Code sections 200 et seq.)**

21 115. Plaintiff realleges all paragraphs set forth above and incorporates them by reference
22 as though they were fully set forth in this cause of action.

23 116. Education Code section 200 states, in pertinent part, that “[i]t is the policy of the State
24 of California to afford all persons in public schools, regardless of their . . . gender, gender
25 identity, [or] gender expression . . . equal rights, and opportunities in the educational institutions
26 of the state.” It adds that “[t]he purpose of this chapter is to prohibit acts that are contrary to that
27 policy and to provide remedies therefor.”
28

1 117. Education Code section 220 implements that policy by prohibiting discrimination
2 based on gender, gender identity, and gender expression in state-funded programs and activities:
3 “No person shall be subjected to discrimination on the basis of . . . gender, gender identity, [or]
4 gender expression . . . in any program or activity conducted by an educational institution that
5 receives, or benefits from, state financial assistance, or enrolls pupils who receive state student
6 financial aid.”

7 118. Following an investigation carried out pursuant to his authority as the State’s chief
8 law officer and Government Code section 11180 et seq., the Attorney General has determined
9 that Defendant receives state funding and has violated Education Code section 200 et seq. by
10 subjecting transgender and gender nonconforming students to discrimination.

11 119. Defendant’s Policy 5020.1’s forced disclosure provisions discriminate against
12 transgender and gender nonconforming students on the basis of their gender identity and
13 expression by singling them out for unfavorable treatment.

14 120. Due to Defendant’s violations of Education Code sections 200 et seq., and their
15 implementing regulations, declaratory and injunctive relief is an appropriate remedy.

16 **THIRD CAUSE OF ACTION**

17 **(Violation of Government Code section 11135)**

18 121. Plaintiff realleges all paragraphs set forth above and incorporates them by reference
19 as though they were fully set forth in this cause of action.

20 122. Government Code section 11135 prohibits discrimination based on sexual orientation
21 or sex—which is defined to include gender and gender expression—in state-funded programs and
22 activities, including prohibiting unlawful denial of full and equal access to the benefits of and
23 unlawful discrimination under any such program or activity receiving funding or financial
24 assistance from the State.

25 123. Following an investigation carried out pursuant to his authority as the State’s chief
26 law officer, the Attorney General has determined that Defendant has violated Government Code
27 section 11135 by unlawfully subjecting transgender and gender nonconforming students in the
28 District to discrimination while receiving funds from the State.

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- a. subdivisions 1(a) and 1(b) of the Policy in full;
- b. subdivision 1(c) of the Policy, insofar as it applies to transgender or gender nonconforming students' requests to change their name, pronouns, sex, or gender on unofficial records; and
- c. subdivision 5 of the Policy, insofar as it applies to transgender or gender nonconforming students (i) requesting to be treated as a gender other than the student's biological sex or gender listed on the student's birth certificate or any other official records or (ii) accessing sex-segregated school programs or activities that do not align with the student's biological sex or gender listed on the student's birth certificate or any other official records;

132. Issue an order permanently enjoining Defendant from implementing the following provisions of Policy 5020.1:

- a. subdivisions 1(a) and 1(b) of the Policy in full;
- b. subdivision 1(c) of the Policy, insofar as it applies to transgender or gender nonconforming students' requests to change their name, pronouns, sex, or gender on unofficial records; and
- c. subdivision 5 of the Policy, insofar as it applies to transgender or gender nonconforming students (i) requesting to be treated as a gender other than the student's biological sex or gender listed on the student's birth certificate or any other official records or (ii) accessing sex-segregated school programs or activities that do not align with the student's biological sex or gender listed on the student's birth certificate or any other official records;

133. Issue an order entering final judgment;

134. Award reasonable attorneys' fees and costs of suit as permitted by law; and

For such other and further relief as the Court deems just and proper.

1 Dated: August 28, 2023

Respectfully submitted,

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