

REC'D OCT 05 2023

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

OCT 05 2023

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO**

**THE PEOPLE OF THE STATE OF  
CALIFORNIA, EX REL. ROB  
BONTA, ATTORNEY GENERAL OF  
THE STATE OF CALIFORNIA,**

Plaintiff,

v.

**CHINO VALLEY UNIFIED SCHOOL  
DISTRICT,**

Defendant.

Case No. CIV SB 2317301

**EX PARTE APPLICATION TO FILE BRIEF  
OF AMICI CURIAE IN SUPPORT OF  
PLAINTIFF'S APPLICATION FOR  
PRELIMINARY INJUNCTION**

*Accompanying Documents:* [PROPOSED] BRIEF  
OF AMICI CURIAE IN SUPPORT OF  
PLAINTIFFS' APPLICATION FOR  
PRELIMINARY INJUNCTION;  
DECLARATION OF JENNIFER CHOU;  
[PROPOSED] ORDER

Hearing Date: October 5, 2023  
Time: 8:30 AM  
Department: S28  
Judge: Hon. Michael A. Sachs

Action Filed: August 28, 2023  
Trial Date: February 26, 2024

60  
SC 2023-75405



1 embodied in both the United States and California Constitutions and our nation's civil rights laws.  
2 ACLU SoCal and ACLU NorCal have long histories of vigorous advocacy to defend and advance the  
3 rights of LGBTQ+ Californians and the rights of students. On LGBTQ+ student rights issues in  
4 particular, this work has included litigation (*see, e.g., C.N. v. Wolf* (C.D. Cal. 2005) 410 F.Supp.2d 894;  
5 *American Academy of Pediatrics v. Clovis Unified School District* (Fresno County Super. Ct., 2012, No.  
6 12CECG02608)), administrative advocacy, sponsorship of legislation (*see, e.g.,* Assem. Bill No. 1266,  
7 (2013-2014 Reg. Sess.)), technical assistance to government agencies and other organizations, and  
8 community engagement and public education efforts. ACLU SoCal and ACLU NorCal not only are  
9 deeply invested in the principles of autonomy, equality, and privacy for transgender and gender  
10 nonconforming youth at stake in this case, but also bring extensive relevant legal expertise.

11       The **California LGBTQ Health & Human Services Network** is an LGBTQ-specific health  
12 advocacy organization, bringing together more than 60 non-profit providers, community centers, and  
13 researchers to advocate collectively for state level policies and resources that will advance LGBTQ  
14 health. Founded in 2007, the Network provides coordinated leadership about LGBTQ health policy in a  
15 proactive, responsive manner that promotes health and well-being as part of the movement for LGBTQ  
16 equality, and ensures that there is a distinct LGBTQ voice in health policy decision-making venues such  
17 as the Department of Managed Health Care, Department of Health Care Services, and more. The  
18 Network also works in coalition with immigrant rights organizations, organizations representing  
19 communities of color, and other identity-based organizations to ensure populations experiencing health  
20 disparities are working together to improve physical and mental health for everyone in California. This  
21 includes LGBTQ youth throughout the state, advocating for access to mental health services, health care  
22 services, and connecting our youth to mentorship opportunities with their local LGBTQ center.

23       The **Equal Justice Society** (EJS) seeks to transform the nation's consciousness on race through  
24 law, public policy and education, social science, and the arts. A national legal organization of scholars,  
25 advocates, and citizens, EJS strives to achieve a society where race is no longer a barrier to opportunity  
26 in America, including in education. EJS works to confront all manifestations of invidious discrimination  
27 and second-class citizenship, including in K-12 schools where EJS has a strong interest in ensuring  
28 inclusive and safe campuses. Policies based on a politic of hate and intolerance, such as that which the

1 Chino Valley Unified School District has directed at transgender and gender nonconforming students,  
2 threaten the safety and dignity of LGBTQ+ students and families. Such threats endanger everyone, but  
3 are particularly harmful when targeted at vulnerable youth.

4 **Equality California** (EQCA), founded in 1999, is the nation's largest state-based LGBTQ+ civil  
5 rights organization. Equality California brings the voices of LGBTQ+ people and allies to institutions of  
6 power in California and across the United States, striving to create a world that is healthy, just, and fully  
7 equal for all LGBTQ+ people. EQCA advances civil rights and social justice by inspiring, advocating,  
8 and mobilizing through an inclusive movement that works tirelessly on behalf of the people it serves.  
9 EQCA frequently participates in litigation in support of the rights of LGBTQ+ persons, including the  
10 organization's members in California and across the United States.

11 **Genders & Sexualities Alliances Network** ("GSA Network") is a next-generation LGBTQ  
12 racial and gender justice organization that empowers and trains queer, trans and allied youth leaders to  
13 advocate, organize, and mobilize an intersectional movement for safer schools and healthier  
14 communities. GSA Network works directly with young people in California schools to improve their  
15 school conditions so that Trans, Queer, and Two Spirit (TQ2S+) youth are in schools that affirm and  
16 support who they are.

17 **GLSEN** is the leading national organization on LGBTQI+ issues in K-12 education, working to  
18 ensure that all youth—including lesbian, gay, bisexual, transgender, queer, nonbinary, Two-Spirit, and  
19 intersex youth—have equal opportunities to thrive, grow, and reach their full potential. GLSEN works to  
20 build safe and affirming learning environments for LGBTQI+ youth while advancing racial, gender, and  
21 disability justice in education settings. Each year, GLSEN programs and resources reach millions of  
22 students and educators in K-12 schools, via action at the national, state, and local level. Since 1990,  
23 GLSEN has improved conditions for LGBTQ+ students across the United States and helped launch an  
24 international movement to address LGBTQ+ issues in education.

25 **Inland Empire Prism Collective** (IEPC) is an LGBTQ-led organization located in San  
26 Bernardino and Riverside Counties. IEPC seeks to support local LGBTQ youth in identifying their  
27 power, developing a critical analysis of intersecting oppression by fostering identity affirming  
28 community building, providing access to safe spaces and education in self-determination as a means of

1 liberation. IEPC also engages youth in grassroots organizing and advocacy for the continued  
2 implementation of policy that centers LGBTQ youth rights.

3       **Lambda Legal Defense and Education Fund, Inc.** (“Lambda Legal”) is the nation’s oldest and  
4 largest nonprofit legal organization working for full recognition of the civil rights of lesbian, gay,  
5 bisexual, and transgender (LGBT) people and everyone living with HIV through impact litigation,  
6 education, and policy advocacy. Lambda Legal has served as counsel of record or amicus curiae in  
7 seminal cases regarding the rights of LGBT students to equal educational opportunity, including the  
8 rights to be free from discrimination and harassment and to share their LGBT identities on their own  
9 terms. *See, e.g., John and Jane Parents 1 v. Montgomery County Board of Ed.* (4th Cir. 2023) 78  
10 F.4th 622 (objecting parents lacked standing to challenge school district’s policy supporting transgender  
11 students); *B.P.J. v. West Virginia State Board of Ed.* (4th Cir. 2023) 2023 WL 2803113 (staying the  
12 lifting of a preliminary injunction against state law barring transgender girl from running on her middle  
13 school cross-country team); *Adams v. School Board of St. Johns County* (11th Cir. 2022)  
14 57 F.4th 791 (*en banc*) (Equal Protection and Title IX challenge to school board policy  
15 denying transgender boy access to the boys’ restroom); *Nabozny v. Podlesny* (7th Cir. 1996) 92 F.3d 446  
16 (gay students have an equal protection right to be free from discriminatory harassment in schools).

17       The **LGBTQ Center OC**, incorporated in 1971, remains one of the long-standing LGBTQ-  
18 specific service organizations located in Orange County, California. The Center’s mission is to advocate  
19 on behalf of the Orange County LGBTQ+ community, and to provide services that ensure the  
20 community’s well-being and positive identity. The Center is responsive to the changing and growing  
21 needs of the LGBTQ+ population, providing culturally appropriate and affirming health and wellness  
22 services. The Center incorporates advocacy in its mission, with positive youth development and  
23 community engagement as some of the central pillars of its community work. The Center actively  
24 engages with LGBTQ+ student communities, partnering with local organizations and schools to amplify  
25 their voices and address the challenges they face. While acknowledging the significance of visibility and  
26 representation, the Center’s priority is empowering LGBTQ+ youth and students with the ability and  
27 inspiration to drive transformative shifts in their schools and communities as agents of positive change.

1           The **LGBTQ Community Center of the Desert** is a non-profit organization dedicated to  
2 serving LGBTQ community members in California’s Coachella Valley. The Center works to end  
3 isolation and loneliness, connect people to resources and community, offer LGBTQ+ affirming therapy,  
4 and support LGBTQ+ wherever they are in their life’s journey. Specifically for LGBTQ+ students, the  
5 Center provides direct parent and family support, LGBTQ+ youth groups and events, and offer training  
6 on best inclusive practices within school systems.

7           **Legal Services of Northern California** (LSNC) provides civil legal services aimed at defeating  
8 the causes and effects of poverty in collaboration with the community in 23 Northern California  
9 counties. LSNC serves LGBTQ+ individuals with various issues, including access to gender affirming  
10 health care, housing, and education. For many youth, having their gender identity disclosed to their  
11 parents can lead to a cascading effect of abuse, homelessness, school dropout, and poverty. An  
12 increasing number of school districts in LSNC’s service area are passing reporting policies similar to  
13 that of Chino Valley Unified School District.

14           Since 1969, the **Los Angeles LGBT Center** has cared for, championed, and celebrated LGBTQ  
15 individuals and families in Los Angeles and beyond. Today, the Center provides services for more queer  
16 and trans people than any other organization in the world—offering programs, services, and global  
17 advocacy that span four broad categories: Health, Social Services and Housing, Culture and Education,  
18 and Leadership and Advocacy. Programs like the Center’s OUT for Safe Schools campaign transforms  
19 school campuses into communities of support and safety for LGBTQ+ students. Since 2013, OUT for  
20 Safe Schools has been present in districts with over 5 million students in grades K-12 distributed over  
21 275,000 badges to school employees who wants to be known as LGBTQ allies knowledgeable about  
22 resources to students and families.

23           **Our Family Coalition** (OFC) has advanced equity for over 20 years for the full and expanding  
24 spectrum of LGBTQ+ families and children through support, education, and advocacy. Uniquely  
25 situated at the intersection of LGBTQ+ and family justice work, OFC is powered by community and  
26 inspired by a love of children and families and a vision of a just society where we all belong and thrive.  
27 OFC has had the privilege of working with and for both families and school districts in these 20+ years  
28 and knows that trusting families and their children to make choices for themselves on how to

1 communicate deeply personal matters, like identity, is what sets a strong family foundation. Taking this  
2 privacy away by requiring school staff to forcibly disclose student information without consent only  
3 erodes the trust and the safety that can be nurtured in a family.

4       The **Placer LGBTQ+ Center** is an organization whose mission is to cultivate the Placer County  
5 area as a safe space for members of the lesbian, gay, bisexual, transgender, and queer community and  
6 their families, through education, mentoring, peer support, and resources. The Center's vision is to  
7 create a much-needed physical space in Placer County, a socially conservative region of California,  
8 where members of the LGBTQ+ community and allies can gather safely to access resources and support,  
9 and find opportunities to get involved and build community, including during our annual Placer Pride  
10 event.

11       **Public Advocates, Inc.**, is a non-profit, public interest law firm and one of the oldest public  
12 interest law firms in the nation. The organization's mission is to challenge the systemic causes of  
13 poverty and discrimination by strengthening community voices in public policy and achieving tangible  
14 legal victories advancing education, housing and transit equity, and climate justice. Public Advocates  
15 "makes rights real" across California by collaborating with grassroots groups representing historically  
16 marginalized communities to achieve strategic policy reform, enforce civil rights, and support  
17 movement building. Our work in education ensures that all students in California have equitable access  
18 to a quality education. This includes the right to a safe and supportive learning environment for all  
19 students no matter their race, gender, background, or socio-economic status in order to build schools of  
20 belonging and inclusion. Therefore, Public Advocates has a strong interest in ensuring that transgender,  
21 gender nonconforming, and other LGBTQ+ students have the freedom to be true to who they are.

22       **Public Counsel** is a nonprofit public interest law firm dedicated to advancing civil rights and  
23 racial and economic justice, as well as to amplifying the power of our clients through comprehensive  
24 legal advocacy. Founded on and strengthened by a pro bono legal service model, Public Counsel's staff  
25 and volunteers seek justice through direct legal services, promote healthy and resilient communities  
26 through education and outreach, and support community-led efforts to transform unjust systems through  
27 litigation and policy advocacy in and beyond Los Angeles. Public Counsel is committed to securing an  
28 equitable education for all California students, including LGBTQ+ students, and condemns

1 discrimination against and harassment of transgender and gender nonconforming youth.

2 **Public Justice** is a national public interest advocacy organization that fights against abusive  
3 corporate power and predatory practices, the assault on civil rights and liberties, and the destruction of  
4 the earth's sustainability. In its Students' Civil Rights Project, Public Justice focuses on ensuring that  
5 educational institutions comply with anti-discrimination laws so that all students can learn and thrive. As  
6 part of this work, Public Justice litigates and otherwise advocates to secure and enforce LGBTQ+  
7 students' rights. For example, this year, Public Justice successfully represented civil rights amici in  
8 briefing and oral argument in *Grabowski v. Arizona Board of Regents*, in which the U.S. Court of  
9 Appeals for the Ninth Circuit held that Title IX, a federal law prohibiting sex discrimination in  
10 education, prohibits anti-LGBTQ+ discrimination ((9th Cir. 2023) 69 F.4th 1110).

11 **Public School Defenders Hub** ("Defenders Hub") is a nonprofit, non-partisan coalition that  
12 stands in support of California's trans and nonbinary students. Defenders Hub affirms that students of all  
13 races, backgrounds, sexual orientations, and genders deserve to feel safe, seen, and supported at school.  
14 Public schools play a critical role in supporting students' emotional well-being and positive identity, and  
15 Defenders Hub works closely with parents, schools, and other organizations to create schools that  
16 support all of our children. Defenders Hub strongly advocates for LGBTQ+-inclusive training, inclusive  
17 curricula, and mental health support. Defenders Hub believes that as a community, we must continue to  
18 come together to affirm our LGBTQ+ young people in our communities, preserve trusted relationships  
19 and focus on real solutions that will improve public schools.

20 The **Rainbow Pride Youth Alliance** (RPYA) is a non-profit organization dedicated to providing  
21 a safe, healthy, and enriching environment for gay, lesbian, bisexual, transgender, queer, questioning,  
22 and intersex (LGBTQI) youth, 12-26. RPYA has supported queer and trans youth and young adults  
23 across Riverside and San Bernardino Counties over the past 20 years, both in and outside of schools.  
24 These outing policies hurt all students, staff, and families in the region by forcing students out of the  
25 closet and removing the dynamics of trust and consent from the transition process for young people.  
26 RPYA staff have seen firsthand the stress and anxiety this has caused in school districts across the  
27 Inland Empire. School policies should increase the safety of students, not interject school staff and  
28 administrators into the personal lives of students.



1           The **Safe Schools Project of Santa Cruz County** is in support of maintaining current state laws  
2 and the protection of students to make their own decisions of when they may or may not choose to come  
3 “out” to any adult—including a parent, a teacher or a friend. The Safe Schools Project Santa Cruz  
4 County partners with schools and school districts to make all schools more inclusive for LGBTQ+  
5 students and their families. This includes supporting laws and school board policies that make schools  
6 safer and more inclusive for all students.

7           The **Transgender Law Center (TLC)**, founded in San Francisco in 2002, is the largest national  
8 trans-led organization advocating for self-determination for all people. Grounded in legal expertise and  
9 committed to racial justice, TLC employs a variety of community-driven strategies to keep transgender  
10 and gender nonconforming (“TGNC”) people alive, thriving, and fighting for liberation. TLC believes  
11 that TGNC people hold the resilience, brilliance, and power to transform society at its root, and that the  
12 people most impacted by the systems TLC fights must lead this work. TLC builds power within TGNC  
13 communities, particularly communities of color and those most marginalized, and lays the groundwork  
14 for a society in which all people can live safely, freely, and authentically regardless of gender identity or  
15 expression. TLC works to achieve this goal through leadership development and by connecting TGNC  
16 people to legal resources. TLC also pursues impact litigation and policy advocacy to defend and advance  
17 the rights of TGNC people, transform the legal system, minimize immediate threats and harms, and  
18 educate the public about issues impacting our communities. For example, in 2014 when anti-transgender  
19 hate groups began collecting signatures in an ultimately unsuccessful attempt to put trans students’  
20 rights on the ballot, TLC formed a state-wide coalition, Transform CA, to fight those efforts.

21           **TransFamily Support Services (TFSS)** and its sister organization **TransYouth Liberation**  
22 (TYL) fight daily to help families and trans youth be included in their world and be seen as equal—  
23 regardless of gender, race, color, religion, sexual preference, or disability. TFSS and TYL work closely  
24 with parents of trans youth and based on their extensive relevant knowledge and expertise, understand  
25 that the policy challenged here will only harm children and put them at risk of physical and mental  
26 attacks.

27           The **Trevor Project**, founded in 1998, is the nation’s leading LGBTQ youth crisis intervention  
28 and suicide prevention organization. It is the only nationwide organization that offers accredited, free,

1 and confidential phone, instant message, and text messaging crisis intervention services with an  
2 exclusive focus on LGBTQ youth. Tens of thousands of individuals use these services every month. By  
3 monitoring, analyzing, and evaluating data obtained from these services, The Trevor Project produces  
4 innovative research and insights that bring new knowledge, with clinical implications, on issues  
5 affecting LGBTQ youth. The Trevor Project has a special interest in this litigation as well as familiarity  
6 and knowledge of the significant harms that transgender youth endure from policies that mandate  
7 discrimination against transgender youth. For decades, The Trevor Project has worked directly with  
8 transgender youth, many of whom struggle with the pain and stigma associated with family rejection,  
9 hostile educational environments, or unwilling disclosure of their gender identity. The Trevor Project is  
10 therefore acutely aware of the severe mental health effects that discrimination of this form can have on  
11 transgender youth, and can provide a unique and important perspective regarding the damaging results  
12 that will flow from the Chino Valley Unified School District's policy of outing transgender and  
13 nonbinary youth.

14  
15 Date: October 3, 2023

Respectfully submitted,

16 ACLU FOUNDATION OF SOUTHERN  
17 CALIFORNIA

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Ariana Rodriguez

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21 ACLU FOUNDATION OF NORTHERN  
22 CALIFORNIA

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24 \_\_\_\_\_  
25 Jennifer Chou  
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# **EXHIBIT A**

1 **ACLU FOUNDATION OF SOUTHERN CALIFORNIA**

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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
21 **COUNTY OF SAN BERNARDINO**

22 THE PEOPLE OF THE STATE OF  
23 CALIFORNIA, EX REL. ROB BONTA,  
24 ATTORNEY GENERAL OF THE STATE  
25 OF CALIFORNIA,

26 Plaintiff,

27 v.

28 CHINO VALLEY UNIFIED SCHOOL  
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Defendant.

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IN SUPPORT OF PLAINTIFF'S  
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## INTRODUCTION

California guarantees students of all backgrounds the fundamental right to an education and has some of the strongest antidiscrimination laws in the country that protect the rights of all students, including LGBTQ+ students, to be themselves at school. Nonetheless, even in California, the last few years have seen an alarming rise in targeted attacks against LGBTQ+ people, and in particular transgender and gender nonconforming youth.<sup>2</sup> This year alone, we have seen a wave of attacks against LGBTQ+ Californians and their allies—at their homes,<sup>3</sup> in their places of worship,<sup>4</sup> at work,<sup>5</sup> in libraries,<sup>6</sup> and especially in schools.<sup>7</sup>

Chino Valley Unified School District (CVUSD or “the District”)’s policy on forcible outing continues this pattern of harmful attacks on the rights and dignity of transgender young people. The policy would require school staff to notify a student’s parents or guardians if it “becomes known” that the student has requested to be identified as transgender or gender nonconforming—regardless of the student’s wishes or their circumstances at home. In adopting it, CVUSD board members and members of the public described being transgender as “a dismantling of our humanity” and a “delusion,” stating that “you got to put a stop to it.”<sup>8</sup> Students at the same meeting voiced how this policy puts their lives at risk and shared stories about the harms they suffered when they came out to their family before they

<sup>2</sup> See Movement Advancement Project, *Under Fire: The War on LGBTQ People in America* (Feb. 2023) [https://www.mapresearch.org/file/Under%20Fire%20report\\_MAP%202023.pdf](https://www.mapresearch.org/file/Under%20Fire%20report_MAP%202023.pdf) (as of Sept. 27, 2023).

<sup>3</sup> See, e.g., Catlin, *Proud Boy Arrested Outside Local LGBTQ+ Group Leader’s Home*, Gold Country Media (Mar. 29, 2023) <https://goldcountrymedia.com/news/282781/proud-boy-arrested-outside-local-lgbtq-group-leaders-home> (as of Sept. 27, 2023).

<sup>4</sup> See, e.g., Anteola, *LGBTQ+ Friendly Church in Fresno Vandalized. Pastor Suspects a Hate Group Did It*, Fresno Bee (Apr. 19, 2023) <https://www.fresnobee.com/news/local/crime/article274471800.html> (as of Sept. 27, 2023).

<sup>5</sup> See, e.g., Goldberg, *A Pride Flag, An Argument and Gunfire: The Senseless Killing of Laura Ann Carleton*, Los Angeles Times (Aug. 21, 2023) <https://www.latimes.com/california/story/2023-08-21/a-pride-flag-an-argument-and-gunfire-the-senseless-killing-of-laura-ann-carleton> (as of Sept. 27, 2023).

<sup>6</sup> See, e.g., Jarone, *Multiple Schools in Davis Cleared After Police Sweep Campuses, Homes, Library Named in Bomb Threat*, Sacramento Bee (Sept. 20, 2023) <https://www.sacbee.com/news/local/crime/article279553279.html> (as of Sept. 27, 2023).

<sup>7</sup> See, e.g., Childs et al., *3 Arrested Outside Glendale School Board in Violent Clashes Over LGBTQ+ Rights*, Los Angeles Times (June 6, 2023) <https://www.latimes.com/california/story/2023-06-06/glendale-braces-for-protests-ahead-of-school-board-vote-to-recognize-lgbtq-pride-month> (as of Sept. 27, 2023).

<sup>8</sup> See People’s Request for Judicial Notice (Aug. 29, 2023) (RJN) at pp. 66:10-12, pp. 43:3-4, pp. 68:7-8.

1 were ready. Despite hearing these personal experiences from young people, CVUSD adopted its policy,  
2 and is now arguing that it must be permitted to see it through regardless of the real harm being caused,  
3 as described below.

4 California law requires public schools to protect transgender and gender nonconforming students  
5 from discrimination and harassment and respect their privacy. The policy challenged here does just the  
6 opposite, impairing students' ability to express themselves authentically at school and seeking to  
7 stigmatize transgender identities. The law, research, and student testimonies all make clear there is no  
8 place in California public schools for policies that put the safety and welfare of students at risk. The  
9 state's interest in ensuring transgender and gender nonconforming students are provided a safe and  
10 supportive education environment free of hostility and discrimination is an urgent one. Failure to grant a  
11 preliminary injunction in this case will result in significant and irreparable harm to CVUSD's  
12 transgender and gender nonconforming students.

### 13 ARGUMENT

#### 14 **I. California Law Requires Public Schools to Protect Transgender and Gender 15 Nonconforming Students from Discrimination and Harassment and Respect Student 16 Privacy.**

##### 17 **A. CVUSD's Policy Violates the Rights of Transgender and Gender Nonconforming 18 Students to be Free of Discrimination and Harassment under California Law.**

19 California law unequivocally prohibits discrimination and harassment in California public  
20 schools on the basis of sex and gender, and requires schools to affirm LGBTQ+ students' identities.  
21 Both the state Constitution's equal protection guarantee and state statutory law affirmatively require  
22 public schools to protect students from unlawful discrimination and harassment, including on the basis  
23 of gender, gender identity, gender expression, and sexual orientation.<sup>9</sup> To this end, California has  
24 enacted laws and policies that ensure a safe and welcoming learning environment for all students,  
25 including by requiring that schools affirm every student's gender identity by honoring their authentic  
26 name and pronouns and ensuring access to all programs and facilities that align with their gender  
27 identity.<sup>10</sup>

28 <sup>9</sup> Cal. Const. art. I, § 7; Ed. Code § 200, 201, 220, 234 et seq.; Gov. Code § 11135.

<sup>10</sup> See Ed. Code § 221.5(f); Cal. Dept. of Ed. (CDE), *Legal Advisory Regarding Application of*

(cont'd)

1 CVUSD's policy violates these laws by impermissibly singling out students for discrimination  
2 based on their gender identity. CVUSD's policy discriminates by requiring notification any time a  
3 student identifies or requests to be treated as "a gender . . . other than the student's biological sex or  
4 gender listed on the student's birth certificate or any other official records."<sup>11</sup> A student's gender is the  
5 only thing that triggers notification. Moreover, all students in California have the right to be affirmed in  
6 school and protected from discrimination and harassment, but CVUSD's policy imposes a condition on  
7 access to these rights that only applies to transgender and gender nonconforming students. In order to  
8 access protections and supports to which they are legally entitled, transgender and gender  
9 nonconforming students without support at home must first risk their safety and well-being by disclosing  
10 their identity to their families.

11 In California, policies that discriminate on the basis of gender are evaluated under strict scrutiny,  
12 meaning that to pass constitutional muster, they must be narrowly tailored to serve a compelling state  
13 interest.<sup>12</sup> CVUSD argues that it adopted the policy in order to meet the needs of "a population of  
14 students who are facing considerable challenges, which result in a higher rates of depression and  
15 suicide."<sup>13</sup> However, the animus demonstrated by CVUSD's board during discussion of the policy—  
16 saying that being transgender is a "delusion" that they must "put a stop to"<sup>14</sup>—belies this argument.  
17 Even assuming, for the sake of argument, that this policy has a purpose of protecting transgender and  
18 gender nonconforming students, it necessarily fails because a categorical outing policy is not a narrowly  
19 tailored one. It requires no nuance or consideration of whether a student is ready to come out at home or  
20 indeed what their home life is like. As we discuss below, the impact of this sweeping policy on students  
21 who are not ready to come out to their families will be to force them back into the closet or to place  
22 them at risk of familial rejection.

23  
24 *California's Antidiscrimination Statutes to Transgender Youth in Schools*  
25 <https://www.cde.ca.gov/re/di/eo/legaladvisory.asp> (as of Sept. 27, 2023); CDE, *School Success and*  
26 *Opportunity Act (Assembly Bill 1266) Frequently Asked Questions*  
<https://www.cde.ca.gov/re/di/eo/faqs.asp> (as of Sept. 27, 2023).

27 <sup>11</sup> RJN at p. 9.

28 <sup>12</sup> *In re Marriage Cases* (2008) 43 Cal.4th 757, 784.

<sup>13</sup> Defendant Opposition (Aug. 28, 2023) at p. 18.

<sup>14</sup> RJN at pp. 43:3-4, pp. 68:7-8.

1                   **B. CVUSD’s Policy Violates Student Privacy Rights under the California Constitution.**

2                   Students have a state constitutional right to privacy when it comes to personal information about  
3 them, and courts have affirmed that young people have a right to keep personal information private.<sup>15</sup>  
4 Numerous courts have held that gender identity and sexual orientation are among the most intimate and  
5 private details of one’s life and are constitutionally protected.<sup>16</sup> Moreover, courts have found that  
6 students do not waive their reasonable expectation of privacy simply by being out at school.<sup>17</sup>

7                   As the California Supreme Court recognized in *American Academy of Pediatrics v. Lungren*,  
8 “[c]hildren are not simply chattels belonging to the parent, but have fundamental interests of their own  
9 that may diverge from the interests of the parent.”<sup>18</sup> In fact, California policy has long supported the  
10 principle that minors have the ability to make independent decisions about their health and well-being,  
11 and have the right to make those decisions confidentially. *See, e.g.*, Fam. Code § 6925 and *American*  
12 *Academy of Pediatrics*, 16 Cal.4th 307 (all minors are able to consent to their own care for pregnancy,  
13 contraception, and abortion without parental consent or notification); Fam. Code § 6924 and Health &  
14 Saf. Code § 124260 (same for minors over the age of 12 for mental health services); Fam. Code § 6929  
15 (same for minors over the age of 12 for substance use treatment); Ed. Code 48205 and 87  
16 Cal.Op.Atty.Gen. 168 (2004) (minors have the right to excuse themselves from school without parental  
17 consent or notification to attend medical appointments for care they can consent to on their own); Health

18  
19 <sup>15</sup> Cal. Const. art. I, §1; *see also Whalen v. Roe* (1997) 429 U.S. 589, 598–600; *C.N., supra*, 410  
20 F.Supp.2d at p. 903.

21 <sup>16</sup> *See, e.g., Sterling v. Borough of Minersville* (3d Cir. 2000) 232 F.3d 190, 196; *Powell v. Schriver* (2d  
22 Cir. 1999) 175 F.3d 107, 111–112.

23 <sup>17</sup> *See C.N., supra*, 410 F.Supp.2d at p. 903. The plaintiff student in *C.N. v. Wolf*, was “openly gay at  
24 school.” Nonetheless, the court held that C.N. had a “legally protected privacy interest in information  
25 about her sexual orientation” because “the fact that an event is not wholly private does not mean that an  
26 individual has no interest in limiting disclosure or dissemination of information.” *Id.* at p. 903 (quoting  
27 *U.S. Dept. of Justice v. Reporters Committee for Freedom of Press* (1989) 489 U.S. 749 (internal  
28 quotations omitted)). For LGBTQ+ students in particular, this nuance is essential because coming out is  
a process, and coming out at school is not an all-or-nothing affair. An LGBTQ+ student may be out only  
to close friends, to a trusted teacher, to their counselor, or some combination of these. In any of these  
permutations, California law protects a student’s right to “openly discuss and express their gender  
identity or decide when or with whom to share private information. A student does not waive his or her  
right to privacy by selectively sharing this information with others.” CDE, *School Success and  
Opportunity Act (Assembly Bill 1266) Frequently Asked Questions, supra* at question 10.

<sup>18</sup> *American Academy of Pediatrics v. Lungren* (1997) 16 Cal.4th 307, 336–337.



1 & Saf. § 123115 (minors have the right to confidentiality in medical records, even in relation to their  
2 parents or guardians, for care they can consent to on their own).

3 **II. Outing Transgender and Gender Nonconforming Students Without Their Consent Results**  
4 **in Serious and Irreparable Harm to Their Social, Emotional, and Physical Well-Being and**  
5 **Safety.**

6 Decades of research has shown that transgender and gender nonconforming students and their  
7 families suffer irreparable harm when young people are outed before they are ready, illustrating the  
8 urgent need for a preliminary injunction in this case. These harms are borne out by the record in  
9 CVUSD as well as in the public record that has been generated by the recent wave of California school  
10 districts, including Clovis Unified School District, Murrieta Valley Unified School District, Orange  
11 Unified School District, and Rocklin Unified School District, that have considered or passed policies  
12 nearly identical to CVUSD's.<sup>19</sup>

13 Policies like CVUSD's subject trans and gender nonconforming students to harm by forcing  
14 them to stay "in the closet" at school, which can have significant psychological harms. In a recent article  
15 from *The Los Angeles Times*, one current CVUSD student shared that, as a result of CVUSD's policy,  
16 transgender and gender nonconforming students who once perceived school as a "haven when their  
17 homes were not" are now "being 'shoved' back into the closet."<sup>20</sup> Courts have recognized that forcing  
18 transgender students to use their birth name and pronouns exposes them to the "life threatening" risks of  
19 discrimination, when they are already harassed at alarming rates in schools.<sup>21</sup> Research also shows that  
20 being referred to by the wrong name and pronouns results in psychological distress, including anxiety-  
21 and depression-related symptoms.<sup>22</sup> Another study found that transgender youth who were able to use

22 <sup>19</sup> See, e.g., Yarbrough, *LGBTQ Students on New School Rules: "It's Clear Our Lives are Not*  
23 *Important,*" San Bernardino Sun (Aug. 28, 2023) [https://www.sbsun.com/2023/08/28/southern-](https://www.sbsun.com/2023/08/28/southern-california-lgbtq-students-say-new-rules-endanger-their-safety)  
24 [california-lgbtq-students-say-new-rules-endanger-their-safety](https://www.sbsun.com/2023/08/28/southern-california-lgbtq-students-say-new-rules-endanger-their-safety) (as of Sept. 27, 2023); Montalvo, *'This is*  
25 *life or death.'* *California Teens Say Transgender Outing Policies Threaten Safety,* Fresno Bee (Sept. 15,  
26 2023) <https://www.fresnobee.com/news/local/article278697909.html> (as of Sept. 27, 2023).

27 <sup>20</sup> Gomez, *"Kids Are Having to Use Their Deadname": Students Say Gender Policies Make Schools*  
28 *Feel Unsafe,* Los Angeles Times (Sept. 21, 2023) [https://www.latimes.com/california/story/2023-09-](https://www.latimes.com/california/story/2023-09-21/transgender-students-parental-notification-policies-schools-lgbtq-forced-outing)  
29 [21/transgender-students-parental-notification-policies-schools-lgbtq-forced-outing](https://www.latimes.com/california/story/2023-09-21/transgender-students-parental-notification-policies-schools-lgbtq-forced-outing) (as of Sept. 27,  
30 2023).

31 <sup>21</sup> See *Doe v. Boyertown Area School District* (3d Cir. 2018) 897 F.3d 518, 529; *Grimm v. Gloucester*  
32 *County School Board* (4th Cir. 2020) 972 F.3d 586, 612.

33 <sup>22</sup> McLemore, *A Minority Stress Perspective on Transgender Individuals' Experiences with*  
34 *Misgendering* (2018) 3 *Stigma and Health* 53, 59.

1 names and pronouns corresponding to their gender identity experienced a 29% decrease in reported  
2 thoughts of suicide and a 56% decrease in suicidal behavior.<sup>23</sup>

3 Schools can be critical sources of support and safety for transgender, gender nonconforming, and  
4 other LGBTQ+ students. An affirming school climate is a protective factor for LGBTQ+ students, in  
5 terms of harassment and bullying, mental health, and safety.<sup>24</sup> For many transgender students, school is  
6 a place where they can be their authentic selves safely, even when home is not—with one study showing  
7 that transgender youth were more likely to report finding affirming spaces at school (52%) than at home  
8 (35%).<sup>25</sup> Turning schools from safe spaces into hostile ones, as CVUSD’s policy does, will result in  
9 higher rates of harm and suicide and poorer academic outcomes among LGBTQ+ students. When  
10 transgender and gender nonconforming young people feel unsafe at school, they are more than twice as  
11 likely than their peers to miss school.<sup>26</sup> For example, at a recent Rocklin Unified board meeting, a  
12 member of the public shared that they had been outed by their counselor while they were in school and,  
13 as a result, their parents sent them to conversion therapy.<sup>27</sup> Afterwards, “[i]t separated me. . . , I was  
14 vulnerable and left out, and I did not trust my teachers after that . . . I did not concentrate at school. I was  
15 always afraid.”<sup>28</sup> By contrast, having in their life at least one adult accepting of a young person’s

16 \_\_\_\_\_  
17 <sup>23</sup> Russell et al., *Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and*  
*Suicidal Behavior Among Transgender Youth* (2018) 63 *Journal Adolescent Health* 503, 505.

18 <sup>24</sup> Leung et al., *Social Support in Schools and Related Outcomes for LGBTQ Youth: A Scoping Review*  
(2022) 1 *Discover Ed.* <https://link.springer.com/article/10.1007/s44217-022-00016-9> (as of Sept. 27,  
19 2023); Ancheta et al., *The Impacts of Positive School Climate on Suicidality and Mental Health Among*  
*LGBTQ Adolescents: A Systematic Review* (2020) 37 *Journal of School Nursing* 75.

20 <sup>25</sup> The Trevor Project, *2023 U.S. National Survey on the Mental Health of LGBTQ Young People* (2023)  
21 [https://www.thetrevorproject.org/survey-2023/assets/static/05\\_TREVOR05\\_2023survey.pdf](https://www.thetrevorproject.org/survey-2023/assets/static/05_TREVOR05_2023survey.pdf) (as of Oct.  
2, 2023).

22 <sup>26</sup> Jackman et al., *Suicidality Among Gender Minority Youth: Analysis of 2017 YRBS Data* (2019) 25  
*Archives of Suicide Research* 208 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7176535> (as of Sept.  
23 27, 2023); Kosciw et al., *The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth*  
*in Our Nation’s Schools* (2022) GLSEN [https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-](https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf)  
24 [Full-Report.pdf](https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf) (as of Sept. 27, 2023).

25 <sup>27</sup> “Conversion therapy” is an umbrella term used to encompass any “sustained efforts to discourage or  
change behaviors related to LGBTQ+ identities and expressions.” American Psychological Association,  
26 *Banning Sexual Orientation and Gender Identity Change Efforts*,  
<https://www.apa.org/topics/lgbtq/sexual-orientation-change> (as of Sept. 27, 2023).

27 <sup>28</sup> Rocklin Unified School Board, *Rocklin Unified School District Board of Trustee’s Meeting –*  
*September 6, 2023* (Sept. 6, 2023) YouTube at 1:52:21  
28 [https://www.youtube.com/watch?v=e\\_qD1y9QUp8](https://www.youtube.com/watch?v=e_qD1y9QUp8) (as of Sept. 27, 2023).

1 LGBTQ+ identity has a significant protective effect on their mental health. As a graduate of Orange  
2 Unified publicly testified during that district's discussion of a policy similar to CVUSD's, "While in  
3 high school I began to learn and understand a little bit more about myself and who I was as an  
4 individual. All I needed was someone to hear me, but at that time, my family would not have understood  
5 what was going through my mind. A teacher listened . . . Later on as an adult, it was my decision to  
6 come out to my family, when I was ready, and at my own time."<sup>29</sup> A recent survey found that LGBTQ+  
7 youth who had at least one accepting adult in their life were 30% less likely to report a suicide attempt in  
8 the previous year.<sup>30</sup> As one Clovis Unified student stated, "This situation is more than just a young  
9 person wanting to experiment with a new identity. It's safety in knowing that they have a place where  
10 they can freely be who they are."<sup>31</sup>

11 Research shows that transgender and gender nonconforming young people who were out and felt  
12 accepted by a parent/caregiver had around 40% lower odds of attempting suicide in the past year  
13 compared to young people who were out but did not feel accepted.<sup>32</sup> Family acceptance is a clear  
14 protective factor in the safety and well-being of transgender and gender nonconforming students, and  
15 forcing them to come out at home before they are ready exposes them to high risks of familial rejection,  
16 which frequently leads to homelessness, among other negative outcomes. In one 2020 survey, nearly  
17 40% of transgender and gender nonconforming individuals reported that after their family learned of  
18 their gender identity, they were either kicked out of their family homes or treated in a manner that  
19 compelled them to leave.<sup>33</sup> As one person testified at Orange Unified, "As a kid, I hid my identity from  
20 my family. I knew that they would reject and disown me, but I was outed to my family when I was 15.

21  
22 <sup>29</sup> Orange Unified School District, *OUSD Board Meeting – September 7, 2023* (Sept. 7, 2023) YouTube  
at 5:14:15-5:15:21 <https://www.youtube.com/watch?v=fe9218VuFtU> (as of Sept. 27, 2023).

23 <sup>30</sup> The Trevor Project, *Acceptance from Adults is Associated with Lower Rates of Suicide Attempts*  
24 *Among LGBTQ Young People* (Sept. 22, 2023) [https://www.thetrevorproject.org/research-](https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023/)  
25 [briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-](https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023/)  
26 [people-sep-2023/](https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023/) (as of Sept. 27, 2023).

27 <sup>31</sup> Clovis Unified School District, *CUSD Board Meeting 9/20/23* (Sept. 20, 2023) YouTube at 2:52:22  
28 <https://www.youtube.com/watch?v=7yzhR6qlsCQ> (as of Sept. 27, 2023).

<sup>32</sup> The Trevor Project, *Acceptance from Adults is Associated with Lower Rates of Suicide Attempts*  
29 *Among LGBTQ Young People*, *supra*.

<sup>33</sup> The Trevor Project, *National Survey on LGBTQ Youth Mental Health 2020* (2020)  
30 <https://www.thetrevorproject.org/survey-2020> (as of Sept. 27, 2023).

1 As a result, I was rejected . . . I was asked to leave one of my parents' homes. I was isolated and I was  
2 scared . . . this policy by its nature implies being trans is negative or dangerous."<sup>34</sup> Other community  
3 members who have attended school board meetings to testify in opposition to forced outing policies  
4 include social workers, clergy, and police officers, who described their experience working with youth  
5 forced to leave home because their parents refused to accept their LGBTQ+ identity. *See, e.g.*, Rocklin  
6 Unified School Board, *supra*, at 3:10:00 ("if [the kids] don't take their own lives, somebody else does it  
7 for them . . . when parents pushed them out because they cannot accept their personal choices, they  
8 cannot unconditionally love their children."); Murrieta Valley USD Board of Education, *August 10,*  
9 *2023 Murrieta Valley USD Board of Education Meeting Before Break* (Aug. 10, 2023) YouTube at  
10 1:01:53 <https://www.youtube.com/watch?v=jjJrlxQuzw> (as of Sept. 27, 2023) ("We know statistically  
11 that LGBTQ children . . . are disproportionately in the foster system and on the street. . . . That is for  
12 reasons of being told to leave or children's lives being made so unbearable that they leave of their own  
13 will. Once on the street, they are doing unimaginable things to survive."); Murrieta Valley USD Board  
14 of Education, *supra*, at 2:42:52 (a police officer describing having encountered children being trafficked,  
15 self-medicating through substance use, or being abused after being disowned by their parents for being  
16 LGBTQ+). Transgender and gender nonconforming people are also significantly more likely to  
17 experience physical, psychological, and sexual abuse from an immediate family member.<sup>35</sup> During  
18 Rocklin Unified's school board meeting, for example, one student shared that her friend took her life  
19 after coming out to her parents as transgender: "they didn't beat her, but they shamed her, isolated and  
20 emotionally abused her . . . when they found out, they pulled her from school, took away her phone, and  
21 forbid her from seeing any friends. She killed herself before she was old enough to drive. Her parents  
22 didn't even give her a funeral because they said, 'he lived in sin and he died in sin.'"<sup>36</sup>

23  
24  
25 <sup>34</sup> Orange Unified School District, *supra* at 5:12:35 - 5:13:42.

26 <sup>35</sup> Roberts et al., *Childhood Gender Nonconformity: A Risk Indicator for Childhood Abuse and*  
27 *Posttraumatic Stress in Youth* (2012) 129 *Pediatrics* 410, 413-414; *see also* James et al., *The Report of*  
28 *the 2015 U.S. Transgender Survey* (2016) National Center for Transgender Equality  
<https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf> (as of Sept. 27, 2023).

<sup>36</sup> Rocklin Unified School Board, *supra*, at 1:54:46.

1 Although CVUSD has argued that its policy has a “safety exception”<sup>37</sup> that requires staff to  
2 contact Child Protective Services (CPS), this would not effectively prevent harm to students and their  
3 families and could even intensify it.<sup>38</sup> These outcomes are reflected in parallel data showing that trans  
4 and other LGBTQ+ youth are significantly overrepresented in foster care (30.4%) and unstable housing  
5 (25.3%) identified as LGBTQ than youth in a nationally representative sample (11.2%).<sup>39</sup>

6 What policies like CVUSD’s fail to recognize is that for all LGBTQ+ people, coming out is a  
7 process. For many students, talking to peers and trusted adults at schools are important steps toward  
8 being ready to have conversations with their parents. This is true not just for young people sharing their  
9 gender identity or sexual orientation, but for many young people contending with the possibility of any  
10 kind of difficult conversation at home whether about questions of faith, academic and career decisions,  
11 relationships, or anything else. For some transgender or gender nonconforming students, CVUSD’s  
12 policy presents an impossible decision—suppressing their authentic selves or placing themselves at  
13 potential serious risk of physical, social, and emotional harm. Either decision has immediate and  
14 irreparable harms, not just for the student’s health and well-being, but also for the bonds of trust that  
15 make up a school community.

## 16 CONCLUSION

17 When LGBTQ+ young people feel safe to come out on their own terms and can be their  
18 authentic selves, they are significantly more likely to thrive socially, emotionally, and academically.  
19 Research shows many ways that school districts can create such a positive school climate—including  
20 adopting robust antidiscrimination policies, training for educators and staff, teaching inclusive curricula,

21 <sup>37</sup> This representation by CVUSD officials and counsel is also not supported by the policy itself, which  
22 states that “[n]othing in this policy affects the obligations of the District’s employees, administrators,  
23 and certificated staff as mandated reporters under” sections 11164-11174.3 of the Penal Code and other  
24 applicable law. Thus, the policy on its face appears to instruct District personnel to contact parents as  
25 well as Child Protective Services. Moreover, it is unclear what standard of proof the District expects  
26 students to meet, as to the extent and nature of their fear or expectation of abuse, in order to trigger CPS  
27 notification – which, as described *infra*, may well make matters worse.

28 <sup>38</sup> Harvey et al., *Reimagining Schools’ Role Outside of the Family Regulation System* (2021) 11  
Columbia Journal Race & Law 575  
[https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=4606&context=faculty\\_scholarship](https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=4606&context=faculty_scholarship) (as  
of Sept. 27, 2023).

<sup>39</sup> Baams et al., *LGBTQ Youth in Unstable Housing and Foster Care* (2019) 143 Pediatrics  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6398424/> (as of Sept. 27, 2023).

1 and empowering students to create clubs and other spaces on campus where they can be themselves.  
2 CVUSD's policy does the opposite—it sends a message to the entire school community that certain  
3 gender identities are dangerous and must be suppressed. Allowing it to go into effect would cause  
4 irreparable harm to transgender and gender nonconforming students and to the broader school  
5 community. For these reasons, we ask that the Court grant Plaintiff's application for a Preliminary  
6 Injunction.

7  
8 Date: October 3, 2023

Respectfully submitted,

9  
10 ACLU FOUNDATION OF SOUTHERN  
CALIFORNIA

11  
12 \_\_\_\_\_  
Ariana Rodriguez

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14 ACLU FOUNDATION OF NORTHERN  
15 CALIFORNIA

16  
17 \_\_\_\_\_  
18 Jennifer Chou

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# **EXHIBIT B**

1 **ACLU FOUNDATION OF SOUTHERN CALIFORNIA**

2 Amanda Goad (State Bar No. 297131)  
3 Christine Parker (State Bar No. 315529)  
4 Ariana Rodriguez (State Bar No. 322701)  
5 1313 West Eighth Street  
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12 *Attorneys for Proposed Amici Curiae*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF SAN BERNARDINO**

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

18 Plaintiff,

19 v.

20 CHINO VALLEY UNIFIED SCHOOL  
21 DISTRICT,

22 Defendant.

Case No. CIV SB 2317301

**DECLARATION OF JENNIFER CHOU**

Hearing Date: October 5, 2023  
Time: 8:30 AM  
Department: S28  
Judge: Hon. Michael A. Sachs

Action Filed: August 28, 2023  
Trial Date: February 26, 2024



1 **DECLARATION OF JENNIFER CHOU**

2 I, Jennifer Chou, hereby declare:

3 1. I make this declaration based on my own personal knowledge and if called to testify  
4 could and would do so competently as follows:

5 2. I am a staff attorney at the American Civil Liberties Union Foundation of Northern  
6 California (“ACLU”).

7 3. I am counsel for proposed amici curiae American Civil Liberties Union of Southern  
8 California, American Civil Liberties Union of Northern California, California LGBTQ Health & Human  
9 Services Network, Equal Justice Society, Equality California, Genders & Sexualities Alliances Network,  
10 GLSEN, Inland Empire Prism Collective, Lambda Legal Defense and Education Fund, Inc., LGBTQ  
11 Center OC, LGBTQ Community Center of the Desert, Legal Services of Northern California, Los  
12 Angeles LGBT Center, Our Family Coalition, Placer LGBTQ+ Center, Public Advocates, Inc., Public  
13 Counsel, Public Justice, Public School Defenders Hub, Rainbow Pride Youth Alliance, Safe Schools  
14 Project of Santa Cruz, Transgender Law Center, TransFamily Support Services and TransYouth  
15 Liberation, and Trevor Project in the above-captioned action.

16 4. My clients hereby apply for leave of court to file the attached Proposed Brief of Amici  
17 Curiae in Support of Plaintiff’s Application for Preliminary Injunction.

18 5. My office consulted the California Rules of Court and Rules of Civil Procedure, but there  
19 are no specific rules pertaining to the submission of amicus briefs in this Court.

20 6. On September 27, 2023, my colleague, Angelica Lujan, who is employed by the ACLU  
21 of Southern California, contacted the Civil Clerk at the Superior Court of California, San Bernardino  
22 County to determine how to file an amicus brief in this case. The clerk directed Ms. Lujan to file an ex  
23 parte application.

24 7. The State of California is the only plaintiff in this case. Counsel of record for the State is  
25 Deputy Attorney General, Delbert Tran. Delbert Tran’s physical address is 455 Golden Gate Avenue,  
26 Suite 11000, San Francisco, California 94102-7004. Delbert Tran’s email address is  
27 delbert.tran@doj.ca.gov, and their telephone number is (415) 229-0110.

28 8. Defendant Chino Valley Unified School District (“CVUSD”) is the only defendant in the

1 case. Counsel for CVUSD are Anthony De Marco and William Diedrich of Atkinson, Andelson, Loya,  
2 Rudd & Romo PLC; and Emily Rae of Liberty Justice Center. Anthony De Marco's physical address is  
3 20 Pacifica, Suite 1100, Irvine, California 92618-3371. Anthony De Marco's email address is  
4 ademarco@aalrr.com, and their telephone number is (714) 785-4497. William Diedrich's physical  
5 address is 3880 Lemon St., Suite 250, Riverside, CA. William Diedrich's email address is  
6 wdiedrich@aalrr.com, and their telephone number is (951) 403-1949. Emily Rae's physical address is  
7 440 Wells Street, Unit 200, Chicago, Illinois 60654. Emily Rae's email address is erae@ljc.org and their  
8 phone number is (312) 637-2280.

9 9. In accordance with California Rules of Court rule 3.1203, on October 3, 2023, at  
10 approximately 9:29 a.m., I emailed notice to all party counsel that I would be making an ex parte  
11 application for leave to file an amici curiae brief on October 4, 2023, and that I intended to appear  
12 before the court on October 5, 2023 at 8:30 a.m. to argue the application. Counsel for the State indicated  
13 that they would not oppose proposed amici's application. We did not receive a response from counsel  
14 for Defendant CVUSD.

15  
16 I declare under penalty of perjury of the laws of the State of California and the United States that  
17 the foregoing is true and correct to the best of my knowledge and belief. Executed this 3rd day of  
18 October, 2023, in San Francisco, California.

19 Respectfully submitted,

20 ACLU FOUNDATION OF NORTHERN  
21 CALIFORNIA

22   
23 \_\_\_\_\_  
24 Jennifer Chou  
25  
26  
27  
28

# **EXHIBIT C**

1 **ACLU FOUNDATION OF SOUTHERN CALIFORNIA**

2 Amanda Goad (State Bar No. 297131)  
3 Christine Parker (State Bar No. 315529)  
4 Ariana Rodriguez (State Bar No. 322701)  
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12 *Attorneys for Proposed Amici Curiae*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF SAN BERNARDINO**

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

18 Plaintiff,

19 v.

20 CHINO VALLEY UNIFIED SCHOOL  
21 DISTRICT,

22 Defendant.  
23  
24  
25  
26  
27  
28

Case No. CIV SB 2317301

**[PROPOSED] ORDER**

Hearing Date: October 5, 2023  
Time: 8:30 AM  
Department: S28  
Judge: Hon. Michael A. Sachs

Action Filed: August 28, 2023  
Trial Date: February 26, 2024

1 **[PROPOSED] ORDER**

2 After a full consideration of the papers filed in support of proposed amici curiae American Civil  
3 Liberties Union of Southern California, American Civil Liberties Union of Northern California,  
4 California LGBTQ Health & Human Services Network, Equal Justice Society, Equality California,  
5 Genders & Sexualities Alliances Network, GLSEN, Inland Empire Prism Collective, Lambda Legal  
6 Defense and Education Fund, Inc., LGBTQ Center OC, LGBTQ Community Center of the Desert, Legal  
7 Services of Northern California, Los Angeles LGBT Center, Our Family Coalition, Placer LGBTQ+  
8 Center, Public Advocates, Inc., Public Counsel, Public Justice, Public School Defenders Hub, Rainbow  
9 Pride Youth Alliance, Safe Schools Project of Santa Cruz, Transgender Law Center, TransFamily  
10 Support Services and TransYouth Liberation, and Trevor Project's Ex Parte Application to File Brief of  
11 Amici Curiae in Support of Plaintiff's Application for Preliminary Injunction, any other papers  
12 submitted in support of or opposition to the application, and the argument of counsel, and good cause  
13 appearing therefor:

14  
15 **IT IS HEREBY ORDERED THAT:**

16 1. The Ex Parte Application to File Brief of Amici Curiae in Support of Plaintiff's  
17 Application for Preliminary Injunction is GRANTED; and

18 2. The [Proposed] Brief of Amici Curiae in Support of Plaintiff's Application for  
19 Preliminary Injunction filed concurrently with the ex parte application is deemed filed as of the date of  
20 the signing of this order.

21  
22  
23 Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Michael A. Sachs  
Judge of the San Bernardino Superior Court

1 ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF SAN BERNARDINO**

16 Case No. CIV SB 2317301

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

**PROOF OF SERVICE**

20 Plaintiff,

21 v.

22 **CHINO VALLEY UNIFIED SCHOOL**  
23 **DISTRICT,**

24 Defendant.

**PROOF OF SERVICE**

I, Angelica Lujan, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1313 West 8th Street, Los Angeles, California 90017.

On October 4, 2023, I served copies of the foregoing documents:

**EX PARTE APPLICATION TO FILE BRIEF OF AMICI CURIAE IN SUPPORT OF PLAINTIFF'S APPLICATION FOR PRELIMINARY INJUNCTION**

**[PROPOSED] BRIEF OF AMICI CURIAE IN SUPPORT OF PLAINTIFFS' APPLICATION FOR PRELIMINARY INJUNCTION**

**[PROPOSED] ORDER GRANTING LEAVE TO FILE AMICUS CURIAE BRIEF**

**DECLARATION OF JENNIFER CHOU**

on the interested parties listed below at the following addresses:

<b>Party</b>	<b>Attorney/Address Served</b>
Attorneys for Plaintiff THE PEOPLE OF THE STATE OF CALIFORNIA, EX REL. ROB BONTA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,	Delbert Tran Delbert.tran@doj.ca.gov Alexander Simpson Alexander.Simpson@doj.ca.gov Laura Faer Laura.Faer@doj.ca.gov James Zahradka James.Zahradka@doj.ca.gov Edward Nugnet Edward.Nugnet@doj.ca.gov Xiyun Yang Xiyun.Yang@doj.ca.gov Gary Rowe Gary.Rowe@doj.ca.gov Shonise Flowers Shonise.Flowers@doj.ca.gov DEPUTY ATTORNEYS GENERAL 455 Golden Gate Avenue, Suite 11000 San Fransisco, CA 94102-7

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8  
9  
10 X BY ELECTRONIC SERVICE

11 I caused the foregoing document(s) to be transmitted to the addressees listed above via OneLegal  
12 LLC, and to the best of my knowledge, the transmission was complete and without error in that I did not  
13 receive an electronic notification to the contrary.

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

16 Executed on October 4, 2023, at Los Angeles, California.

17  
18 

19  
20 \_\_\_\_\_  
21 Angelica Lujan  
22 ACLU Foundation of Southern California  
23  
24  
25  
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RECEIVED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

OCT 04 2023

NICOLE O'DWYER