

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JANE DOE

Plaintiff

v.

PINE-RICHLAND SCHOOL DISTRICT

Defendant

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No.

**JURY TRIAL DEMANDED**

**COMPLAINT**

Plaintiff files this complaint and avers as follows.

**Parties, jurisdiction, and venue**

1. Plaintiff Jane Doe (“Doe”) is a parent of a student in the Pine-Richland School District, and a citizen of the Commonwealth of Pennsylvania.
2. Defendant Pine-Richland School District (the “School District”) is a school district organized under Pennsylvania law.
3. The Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331, 1343, 2201, and 42 U.S.C. § 1983.
4. Venue is proper because a substantial part of the events giving rise to the claims occurred in this judicial district. 28 U.S.C. § 1391(b)(2).

**Facts**

**A. Administrative Regulation 103(B)**

5. This case concerns the constitutionality of School District Administrative Regulation 103(B) (“AR 103(B)”) under the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution. A copy of AR 103(B) is attached at Exhibit “1.”

6. AR 103(B) is an official policy, custom, edict, and practice of the School District.

7. As AR 103(B) expressly states, “the purpose of this administrative regulation is to provide additional information and direction about gender and gender identity.” *Id.*

8. AR 103(B) states that “[a]ll students” – regardless of age – “have a right to privacy and this right includes the right to keep one’s transgender status **private** at school.” *Id.* (emphasis added).

9. According to AR 103(B) disclosing a student’s “transgender status” to the student’s “parents/guardians . . . may also violate privacy laws, such as the Family Educational Rights and Privacy Act (FERPA).”

10. AR 103(B) states, “transgender and gender-expansive students have the right to discuss his or her gender identity openly and to decide when, with whom, and how much to share private information.” *Id.*

11. AR 103(B) states, “[t]o ensure the safety and well-being of the student, District personnel should not disclose a student’s transgender status to others, including the student’s parents/guardians or other District personnel, unless: (1) legally required to do so, or (2) the student has authorized such disclosure.” *Id.*

12. AR 103(B) prohibits School District personnel from disclosing a student’s transgender status to the student’s parents or guardians. *Id.*

13. AR 103(B) directs the building principal or staff member designee to “privately ask transgender or gender-expansive students . . . how they want to be

addressed . . . in correspondence to the home, or at conferences with the student's parent/guardians." *Id.*

14. This effectively requires school personnel, at the request of a student, to use certain pronouns or names with the student at school, but a separate name and pronoun with parents at school or in correspondence sent home.

15. The School District believes that "notifying a student's parent/guardian about his or her gender identity or transition may be unnecessary." *Id.*

16. And "in some cases, informing parents/guardians about a student disclosure carries risk for the student, such as physical and/or emotional abuse, abandonment, and/or removal from the home." *Id.*

17. But AR 103(B) goes further than requiring that School District personnel keep critical details about a child's health, welfare, and upbringing secret from parents or guardians.

18. AR 103(B) also requires that the School District engage in a secret psychological evaluation of the student, including students as young as 5, conducted by government psychologists, who assist the child with a plan in transitioning to a new gender.

19. This psychological evaluation of the student and transition plan takes place without any involvement of the student's parents whatsoever.

20. AR 103(B) states the School District shall provide a Student Support Team a/k/a Gender Transition Team to the student who will "discuss a timeline for

the transition in order to create the conditions supporting a safe and accepting environment at the school.” *Id.*

21. The School District’s Gender Transition Teams work to assist any student, including students in kindergarten, in his or her transition without any involvement of the student’s parents or guardians and without even notifying the parents at all.

22. Furthermore, AR 103(B) requires the School District, at the direction of the student, to:

- a. Address the student by his or her preferred pronouns;
- b. Use the student’s preferred name, gender, and pronouns on “school records or documents, such as school IDs, classroom rosters or the yearbook;”
- c. Permit the student to use whatever bathroom that the student chooses; and
- d. To participate on the sports team corresponding with the student’s chosen gender.

23. Finally, AR 103(B) requires all School District personnel to undergo “training” provided by a psychologist and a legal team to ensure compliance with AR 103(B).

**B. Doe's Request for Notifications.**

24. Doe sent written notice to the School District that, absent her prior written consent, the School District shall not refer her child to any mental health counselor or social worker for evaluation.

25. Doe's notice to the School District also demanded that the School District notify her within three days of learning about any matters related to gender identity or gender dysphoria expressed by her child.

26. Doe met with the principal of her child's school and the school's guidance counselor, to discuss her written notice.

27. At the meeting, School District representatives told Doe that, pursuant to AR 103(B), under no circumstances would the School District notify her if it becomes aware that her child has requested to be addressed by different pronouns, a different name, or other exhibited behavior consistent with gender dysphoria or a desire to transition to a gender other than her biological gender.

28. The School District's representatives further stated to Doe that they would only notify her if "legally required to do so."

29. Finally, the School District's representatives stated to Doe that she had no parental rights under AR 103(B).

30. Thereafter, Doe emailed the School District memorializing what was stated to her at the meeting, including the statements made concerning AR 103(B), and demanding that the School District immediately notify her if she had misstated the School District's positions concerning AR 103(B).

31. The School District responded to Doe's email.

32. Regarding AR 103(B), the School District stated the School District was a "partner" with parents and, therefore, would not comply with Doe's demand to be notified if the School District becomes aware that her child has requested to be addressed by different pronouns, a different name, or other exhibited behavior consistent with gender dysphoria or a desire to transition to a gender other than her biological gender.

33. Rather, the School District stated it would work with the student, not the parent, on such matters.

34. Doe has legitimate concerns regarding her child's risk of transitioning.

35. Doe found her child viewing online videos related to transitioning, videos of transgender individuals advocating transitioning, and videos on sexuality.

36. Doe's child has recently begun hanging out with a new friend group, which includes children who identify as transgender or who are socially transitioning.

37. The years during and after COVID were very difficult for Doe's child at school. It raised social and emotional challenges that affected and were difficult for Doe's child to manage.

38. Doe is concerned that if her child does begin exhibiting signs of gender confusion or gender dysphoria, the school will immediately begin affirming her before Doe knows and can take steps to help her child obtain appropriate medical care.

**COUNT ONE**  
**Violation of the Fifth and Fourteenth Amendments**  
**Substantive Due Process**

39. Doe incorporates the previous paragraphs by reference.

40. Under the Fourteenth Amendment, Doe has a fundamental liberty interest in making child-rearing decisions. *Tatel v. Mt. Lebanon Sch. Dist.*, 2022 WL 15523185, at \*11 (W.D. Pa. Oct. 27, 2022) (“The parental right to custody, control and nurture of their children is deeply rooted and implicit in the United States’ concept of ordered liberty.”)

41. “The right of parents to raise their children without undue state interference is well established.” *Gruenke v. Seip*, 225 F.3d 290, 303 (3d Cir. 2000)

42. Indeed, the right to make decisions concerning the care, custody, and control of one’s children “is perhaps the oldest fundamental liberty interest recognized.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000).

43. This includes the “fundamental constitutional right to right to control the inculcation of values in their children,” *Tatel* 2022 WL 15523185 at \*23, and to make educational choices. *Troxel*, 530 U.S. at 65.

44. The Third Circuit recognizes that through this liberty interest, “parents, not schools, have the primary responsibility to inculcate moral standards, religious beliefs, and elements of good citizenship.” *C.N. v. Ridgewood Board of Education*, 430 F.3d 159, 185 (3d. Cir. 2005).

45. The Third Circuit further recognizes that “School-sponsored counseling and psychological testing that pry into private family activities can overstep the

boundaries of school authority and impermissibly usurp the fundamental rights of parents to bring up their children, as they are guaranteed by the Constitution.”

*Gruenke v. Seip*, 225 F.3d 290, 307 (3d Cir. 2000)

46. AR 103(B) violates Doe’s fundamental liberty interest to make decisions concerning the care, custody, and control of her child.

47. AR 103(B) violates Doe’s fundamental liberty interest by, among other things, (i) failing to provide parents with notification regarding the mental health and well-being of their children, including the life-altering decision to change one’s gender, (ii) secretly submitting children to psychological and mental evaluations by government psychologists and officials, (iii) secretly subjecting children to interrogation by a team of government officials about their parents religious and political beliefs regarding, among other things, gender dysphoria and (iv) secretly providing medical and psychological care by government approved psychologists and medical professionals to a child to “assist” a child in making the life-altering decision to change one’s gender.

48. Defendant has acted with reckless disregard for Doe’s fundamental parental rights guaranteed under the Fourteenth Amendment.

49. Defendant is knowingly depriving Doe of her right under the Fourteenth Amendment to make significant medical, psychological, permanent, and life-altering decisions concerning her child.

50. AR 103(B) is causing Doe irreparable harm.



**COUNT TWO**

**Violation of Statutory Rights under 20 U.S.C. § 1232(h)**

51. Doe incorporates the previous paragraphs by reference.

52. Under 20 U.S.C. § 1232h, without the prior written consent of a parent, the School District shall not submit any student to any analysis or evaluation that reveals information concerning, among other things, (a) the political affiliations or beliefs of the student or the student's parents, (b) mental or psychological problems of the student or student's family, (c) sexual behavior or attitudes, (d) critical appraisals of other individuals with whom the student has a close family relationship, and (e) religious practices or beliefs of the student or student's parents.

53. 20 U.S.C. § 1232h confers an individual right on parents to control whether their child will be subject to such evaluations and examinations by requiring the School District to obtain express written consent from a parent before performing them.

54. AR 103(B) violates Doe's rights under 12 U.S.C. § 1232h.

55. Under AR 103(B), requires that, before notifying a student's parent or guardian of a student's desire to transition genders, the School District to evaluate and analyze a student to determine whether the student's "health, wellbeing, and safety" will be harmed if the student's parent is notified.

56. In performing that analysis and evaluation, the School District will inquire into a parent's religious and political beliefs concerning, among other things, gender dysphoria, gender transitioning, and sexuality.

57. In performing that analysis and evaluation, the School District will inquire as to the student's sexual behavior and attitudes.

58. Under 103(B), the School District will perform this analysis and evaluation without first obtaining the express written consent of a parent, like Doe.

59. 42 U.S.C.A § 1983 permits Doe to bring suit for the deprivation of rights or privileges conferred under the laws of the United States.

60. The School District is depriving or has stated it will deprive Doe of her rights under 20 U.S.C. § 1232h, which is a law of the United States.

### **Prayer for Relief**

WHEREFORE, Plaintiff, Jane Doe, respectfully requests that this Court enter judgment in her favor and against defendants and award the following relief:

1. Enjoining defendants and anyone acting through, with, or on behalf of them, from enforcing AR 103(B);
2. Enjoining defendants and anyone acting through, with, or on behalf of them, from requiring her child to submit to any analysis, examination, or evaluation Doe's express written authorization;
3. Declaring AR 103(B) void, invalid, and unconstitutional;
4. Awarding plaintiff monetary damages and attorneys fees under 42 U.S.C. § 1983 and 42 U.S.C. § 1988; and
5. Awarding plaintiff all appropriate and necessary relief.

Respectfully submitted,

Dated: January 12, 2024

/s/Walter S. Zimolong

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 310 Airplane, 365 Personal Injury, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

Walter Jimolong

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

JS 44A REVISED June, 2009  
IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA  
THIS CASE DESIGNATION SHEET MUST BE COMPLETED

**PART A**

This case belongs on the ( Erie Johnstown Pittsburgh) calendar.

1. **ERIE CALENDAR** - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang or Warren, OR any plaintiff or defendant resides in one of said counties.
2. **JOHNSTOWN CALENDAR** - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on **ERIE CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.
4. Complete if on **JOHNSTOWN CALENDAR**: I certify that the cause of action arose in \_\_\_\_\_ County and that the \_\_\_\_\_ resides in \_\_\_\_\_ County.

**PART B** (You are to check ONE of the following)

1. This case is related to Number \_\_\_\_\_ . Short Caption \_\_\_\_\_
2. This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

**CIVIL:** Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

**EMINENT DOMAIN:** Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

**HABEAS CORPUS & CIVIL RIGHTS:** All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

**PART C**

I. CIVIL CATEGORY (Select the applicable category).

1. Antitrust and Securities Act Cases
2. Labor-Management Relations
3. Habeas corpus
4. Civil Rights
5. Patent, Copyright, and Trademark
6. Eminent Domain
7. All other federal question cases
8. All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. Insurance indemnity, contract and other diversity cases.
10. Government Collection Cases (shall include HEW Student Loans (Education), V A Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, SBA Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: \_\_\_\_\_

*Walter Zimolong*

ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH ÔŠPRU MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:





|                     |   |
|---------------------|---|
| Book                | Administrative Regulations  |
| Section             | 100 Programs  |
| Title               | Nondiscrimination in School and Classroom Practice - Gender and Gender Identity |
| Code                | AR103(B)  |
| Status              | Administrative Regulation   |
| Last Revised        | July 17, 2017   |
| Last Reviewed       | November 16, 2020   |
| Prior Revised Dates | 12/16/2019  |

#### **A. Authority**

The Board declares it the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, sex, sexual orientation, gender or gender identity, ancestry, national origin, marital status, pregnancy or handicap/disability. The Board is committed to creating a safe and inclusive learning environment for all students that is free from discrimination.

The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities. The equitable distribution of district resources is one means the district shall use to ensure all students receive a quality education. The district shall make reasonable accommodations for identified physical and mental impairments that constitute handicaps and disabilities, consistent with the requirements of federal and state laws and regulations.

Complaints alleging discrimination or harassment are to be taken seriously and handled in a manner consistent with Board policies, laws, and regulations.

#### **B. Purpose**

The purpose of this administrative regulation is to provide additional information and direction about gender and gender identity.

#### **C. Definitions**

**Birth-Assigned Sex:** Refers to the sex recorded on a person's original birth certificate at the time of birth.

**Gender Identity:** Refers to one's internal core sense of gender, which may be different from one's birth-assigned sex, and which is consistently and uniformly asserted, or for which there is other evidence that the gender identity is sincerely held as part of the individual's core identity.

**Transgender:** An adjective describing an individual whose gender identity diverges from the birth-assigned sex. An individual can express or assert a transgender gender identity in a variety of ways. Being transgender does not imply any specific sexual orientation.

**Gender Transition:** The processes by which some individuals strive to more closely align their gender identity with outward manifestations. Some people socially transition, whereby they might begin dressing, using names and pronouns and/or be socially recognized based on their gender identity. Others undergo physical transitions in which they modify their bodies through medical interventions. Medical treatments or procedures are not considered a prerequisite for one's recognition as transgender. Treatments such as hormone therapy may be unaffordable, not

medically indicated, or contraindicated for many youth. Surgical treatments are generally not available for school-age transgender youth.

**Gender Stereotypes:** Refers to stereotypical notions of masculinity and femininity, including expectations of how one expresses or communicates one's gender to others, such as behavior, clothing, hairstyles, activities, voice, mannerisms, or body characteristics.

**Gender-Expansive:** A term referring to aspects of gender expression, identity, and interests that go beyond binary prescriptions of behaviors and interests associated primarily with boys or girls. It conveys a wider more flexible range of gender identity and/or expression than typically associated with the binary gender system.

**Student Support Team:** A building-level team comprised of appropriate staff, such as the building principal, guidance counselor, nurse, school psychologist, and teacher(s), that works with the student and family to provide a supportive learning environment.

#### **D. Privacy and Confidentiality**

All students have a right to privacy and this right includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or birth-assigned sex may also constitute confidential protected health information. Disclosing this information to other students, their parents/guardians, or other third parties may violate privacy laws, such as the Family Educational Rights and Privacy Act (FERPA).

Similar to all students, the District shall ensure that protected health information and education records relating to transgender and gender-expansive students shall be kept confidential in accordance with applicable state and federal privacy laws. Transgender and gender-expansive students have the right to discuss and express his or her gender identity openly and to decide when, with whom, and how much to share private information. The fact that a student chooses to disclose his or her transgender status to District staff or other students does not authorize District staff to re-disclose that information.

To ensure the safety and well-being of the student, District personnel should not disclose a student's transgender status to others, including the student's parents/guardians or other District personnel, unless: (1) legally required to do so, or (2) the student has authorized such disclosure. Relevant school staff, such as the building principal, guidance counselor, and school psychologist, will work actively and immediately to discuss disclosure to parents/guardians given their legal rights and the importance of collaboration between the school staff, student, and parents/guardians. When contacting the parent or guardian of a transgender student, District staff should use the student's legal name and the pronoun corresponding to the student's birth-assigned sex unless the student, parent, or guardian has specified otherwise. (See "Student Transitions" below.)

#### **E. Student Transitions**

In most cases, for a transgender student, beginning the process to live openly in a manner consistent with their gender identity is a very private matter.

Since parents/guardians are generally aware of their child's development, notifying a student's parent/guardian about his or her gender identity or transition may be unnecessary. In some cases, however, informing parents/guardians about a student disclosure carries risks for the student, such as physical and/or emotional abuse, abandonment, and/or removal from the home.

Prior to notification of any parent/guardian regarding the transition process, District staff must work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process and must consider the health, wellbeing, and safety of the transitioning student. Upon notification by a student, parent/guardian, or representative that a student is undertaking, planning to undergo, or has completed a gender transition, the school will promptly inform the notifying individual and the student of the right to request a Student Support Team, consisting of appropriate school staff (e.g., building principal, guidance counselor, nurse, school psychologist, and teacher(s) as appropriate).

When a student transitions during the school year, the Student Support Team shall hold a meeting with the student and parents/guardians, if they are involved in the process. The Student Support Team should discuss a timeline for the transition in order to create the conditions supporting a safe and accepting environment at the school. The District staff will not require proof of medical treatments as prerequisite for respecting the student's gender identity. If any objective basis should occur that would justify questioning whether a student's asserted gender identity is genuine, information may be requested to show that the gender identity is sincerely held.

#### **F. Student Support Teams**

Each school shall form a Student Support Team that will serve as a visible resource for all students who have questions and/or concerns regarding any issues related to gender identity and expression. The Student Support Team shall also be a resource for any questions regarding transgender or gender-expansive students.

#### **G. Names and Pronouns**

Every student has the right to be addressed by a name and pronoun that corresponds to the student's gender identity. A court-ordered name or gender change is not required, and the student need not change his or her official records. The building principal or a staff member designee should privately ask transgender or gender-expansive students at the beginning of the school year how they want to be addressed in class, in correspondence to the home, or at conferences with the student's parents/guardians. In compliance with FERPA, the building principal will ensure that the preferred name and pronoun are communicated to staff members with a legitimate educational interest.

#### **H. Student Records**

The District is required to maintain a mandatory permanent student record that includes a student's legal name and legal gender. However, to the extent that the District is not legally required to use a student's legal name and gender on other school records or documents, such as school IDs, classroom rosters or the yearbook, the District will use the name and gender preferred by the student. The District will change a student's official record to reflect a change in legal name or gender upon receipt of documentation that such change has been made pursuant to a court order, or through amendment of state or federally issued identification. In situations where District staff are required by law to use or to report a transgender student's legal name or gender, such as for purposes of standardized testing, administration and school staff shall implement practices to avoid the inadvertent disclosure of such confidential information.

#### **I. Dress Code**

Individual schools within the District may enforce dress codes pursuant to Board Policy. Individual school dress codes shall not differentiate student dress based on gender or gender identity. Students shall have the right to dress in accordance with their gender identity, within the constraints of the dress code adopted by the school. District staff shall not enforce a school's dress code more strictly against transgender and gender-expansive students than other students.

#### **J. Restrooms**

Having safe access to restroom facilities is important to the health and wellbeing of all people. Schools may maintain separate sex-specific restrooms. However, District students shall have access to restroom facilities that correspond to his or her consistently and uniformly asserted gender identity. Any student who has a need or desire for increased privacy, regardless of the reason, may use an alternative restroom (e.g., single-stall bathroom). Restrooms, as the term is used in this AR, do not include toilet structures or any other areas internal to locker rooms.

A transgender or gender-expansive student may request to use a separate non-sex-specific restroom; however, no student shall be required to use an alternative restroom because he or she is transgender. Under no circumstance should any student be required to use sex-specific restrooms that are inconsistent with his or her gender identity.

#### **K. Physical Education Classes and Intramural and Interscholastic Athletics**

All students shall be permitted to participate in physical education activities and intramural sport activities in a manner consistent with their gender identity. Regarding interscholastic sports teams, the District will follow the Pennsylvania Interscholastic Athletic Association's (PIAA) rules regarding mixed-gender participation. Under these rules, the PIAA will accept the school principal's decision as to the student's gender. In this situation, the principal will identify the student in accordance with his or her gender identity, unless the student requests otherwise.

#### **L. Other Activities, Rules, Policies, and Practices**

As a general rule, in any other circumstance where students are separated by gender, for instance at field trips within the school day, classroom activities, school ceremonies and school photos, each student should be permitted to participate in a manner consistent with his or her gender identity. Single-gender classes and activities may only be offered in certain circumstances and in accordance with District policy, law and regulation.

#### **M. Training and Professional Development**

The Superintendent shall ensure that the Lead School Psychologist and Director of Human Resources & Legal Affairs provide training for all Student Support Team members on their responsibilities under applicable laws and Board Policy 103 Nondiscrimination in School and Classroom Practices and this Administrative Regulation. In addition, the Lead School Psychologist and Director of Human Resources & Legal Affairs will also ensure that training is held with relevant teachers, administrators, counselors, social workers, security, and health and physical education staff to provide a supportive learning environment.

The District shall implement ongoing professional development to build the skills of all staff members to prevent, identify, and respond to bullying, harassment and discrimination. The content of such professional development shall

include, but not be limited to, the information outlined in this administrative regulation. Information regarding Board Policy 103 Nondiscrimination in School and Classroom Practices and this Administrative Regulation shall be shared with new school employees.

**N. Publication and Media Communications**

Board Policy 103 Nondiscrimination in School and Classroom Practices shall be distributed annually and shall be posted on the District's Internet site. The Discipline Code will include reference to Board Policy 103 that includes language related to gender or gender identity. The District and individual schools shall make consistent efforts to ensure awareness of this policy, as well as the availability of the Student Support Team.

Only the Superintendent or Director of Communications shall communicate to representatives of the media regarding matters of student gender identity. District staff shall direct the media to the Director of Communications. In communicating with the news media, parents/guardians and the community, protecting the privacy of transgender and gender-expansive students shall be a top priority for the spokesperson and all staff.

[Policy 103 Initial Complaint Report Form.pdf \(196 KB\)](#)