

No. G064332

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION THREE**

MAE M., et al.,
Appellants-Plaintiffs,

v.

JOSEPH KOMROSKY, et al.,
Respondents-Defendants.

From the Superior Court of California for the County of Riverside
The Honorable Eric Keen, Judge Presiding
Case No. CVSW2306224

**[PROPOSED] BRIEF OF AMICI CURIAE ACLU OF SOUTHERN
CALIFORNIA, ACLU OF NORTHERN CALIFORNIA, ET AL.**

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CERTIFICATE OF INTERESTED PARTIES

Pursuant to Rules 8.208(e) of the California Rules of Court, proposed amici curiae certify that they know of no other person or entity that has a financial or other interest in this case.

Date: October 2, 2024

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INTRODUCTION

California guarantees students of all backgrounds the fundamental right to an education and has antidiscrimination laws—some of the strongest 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 (up 86.4% last year¹), and in particular against transgender and gender non-conforming youth.² Over the past year alone, we have seen a wave of attacks against LGBTQ+ Californians—at their homes,³ places of worship,⁴

¹ California Department of Justice, *Hate Crime in California* 2 (2023), https://data-openjustice.doj.ca.gov/sites/default/files/2024-06/Hate%20Crime%20In%20CA%202023f_0.pdf (as of Oct. 1, 2024).

² See *Under Fire: The War on LGBTQ People in America*, Movement Advancement Project (Feb. 2023), https://www.mapresearch.org/file/Under%20Fire%20report_MAP%202023.pdf; *Under Fire Series—Report #2: Erasing LGBTQ People From Schools and Public Life*, Movement Advancement Project (Mar. 2023), https://www.mapresearch.org/file/MAP-Under-Fire-Erasing-LGBTQ-People_2023.pdf (as of Oct. 1, 2024).

³ See, e.g., Fry, *A couple's Pride flag was slashed in Anaheim. Their neighbors rallied to send a message*, L.A. Times (June 17, 2024), <https://www.latimes.com/california/story/2024-06-17/a-couples-pride-flag-was-slashed-in-anaheim-their-neighbors-rallied-to-send-a-message>; Ring, *Trans woman Michelle Henry strangled, stabbed to death in San Francisco*, Advocate (May 22, 2024), <https://www.advocate.com/crime/transgender-woman-michelle-henry-killed>; Lee, *Oakland man charged with hate crime against gay couple*, KTVU FOX 2 (Apr. 9, 2024), <https://www.ktvu.com/news/man-charged-with-hate-crime-against-gay-oakland-couple> (as of Oct. 1, 2024).

⁴ See, e.g., Allday, *'Hey Zach': Church extends unique invitation to thief who stole Pride flag*, San Francisco Chronicle (Jan. 21, 2024), <https://www.sfchronicle.com/california/article/church-message-thief-18613741.php> (as of Oct. 1, 2024); LA Blade Digital Staff, *Woodland Hills*

and community centers;⁵ at beaches,⁶ restaurants, and bars;⁷ but perhaps most of all, at school.⁸

church targeted with vandalism & thefts, L.A. Blade (Nov. 3, 2023), <https://www.losangelesblade.com/2023/11/03/woodland-hills-church-targeted-with-vandalism-thefts> (as of Oct. 1, 2024).

⁵ See, e.g., Laird, *Vandals attack Half Moon Bay LGBTQ center, officials say*, Bay Area Reporter (Mar. 11, 2024), <https://www.ebar.com/story.php?ch=news&id=331982> (as of Oct. 1, 2024).

⁶ See, e.g., LA Blade Digital Staff, *LA County Pride lifeguard tower at Will Rogers beach vandalized*, L.A. Blade (June 19, 2024), <https://www.losangelesblade.com/2024/06/19/la-county-pride-lifeguard-tower-at-will-rogers-beach-vandalized>; Donald Padgett, *Attackers yelled antigay, racist slurs during beach party stabbing of teen boy in California*, Advocate (Feb. 28, 2024), <https://www.advocate.com/crime/antigay-slurs-teen-attacked-california> (as of Oct. 1, 2024).

⁷ See, e.g., Adamczeski, *An attacker fired a pellet gun at 4 LGBTQ+ bars in California. The community wants answers*, Advocate (May 21, 2024), <https://www.advocate.com/crime/pellet-gun-gay-bars-san-diego>; Levesque, *Apparent arson attack against San Diego queer women's bar*, L.A. Blade (Oct. 21, 2023), <https://www.losangelesblade.com/2023/10/21/apparent-arson-attack-against-san-diego-queer-womens-bar> (as of Oct. 1, 2024).

⁸ See, e.g., Wiggins, *Gay student assaulted after year-long bullying at California high school*, Advocate (Sept. 26, 2024), <https://www.advocate.com/crime/gay-student-california-assaulted> (detailing assault of Chino Valley Unified School District student) (as of Oct. 1, 2024); Meckler et al., *In states with laws targeting LGBTQ issues, school hate crimes quadrupled*, Wash. Post (Mar. 12, 2024), <https://www.washingtonpost.com/education/2024/03/12/school-lgbtq-hate-crimes-incidents> (quoting Chino Valley Unified School District student Max Ibarra); Hayden, Davis, *California, Faces Bomb Threats, Harassment From Anti-Trans Extremists*, SPLC (Oct. 30, 2023), <https://www.splcenter.org/hatewatch/2023/10/30/davis-california-faces-bomb-threats-harassment-anti-trans-extremists> (as of Oct. 1, 2024); Wiggins, *California Mom Blames Bullying for Gay Son's Death*, Advocate (Sept. 5, 2023), <https://www.advocate.com/news/california-mother-grieves-son-suicide>; see also The Trevor Project, *2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People* (2024), <https://www.thetrevorproject.org/survey-2024/#negative-experiences-at-school> (as of Oct. 1, 2024).

Temecula Valley Unified School District (TVUSD)’s policy on forcible outing continues this pattern of harmful attacks on the rights and dignity of transgender and gender non-conforming young people. The policy would require school staff to notify a student’s parents or guardians essentially if they “become[] aware” that the student is transgender or gender non-conforming—regardless of the student’s wishes or circumstances at home. In adopting it, TVUSD board members and members of the public described being transgender as “a certain lifestyle or behavior” to be disapproved of,⁹ a “perverse sexual ideology,”¹⁰ the product of a “destructive agenda,”¹¹ and the purported cause of a parade of horrors.¹² Transgender and gender non-conforming students at the same meeting voiced how this policy puts their lives at risk and shared stories about the harms they suffered when they were outed to their families before they were ready. Despite hearing these personal experiences from young people, TVUSD adopted the policy and is now arguing that it must be permitted to see it through regardless of the harms caused, as described below.

California law requires public schools to protect transgender and gender non-conforming students from discrimination and harassment and to respect their privacy. The policy challenged here does just the opposite—it singles out transgender and gender non-conforming students for adverse treatment, subjecting them to a punitive rule that applies to no other group of students. The law, social science research, and student testimonies all make clear that there is no place in California public schools for such policies that

⁹ TVUSD, *AUG 22 2023 Governing Board Meeting* at 6:25:44, YouTube (Aug. 22, 2023), <https://youtu.be/0eiEUuXtPNc?t=23144>.

¹⁰ *Id.* at 2:25:50, <https://youtu.be/0eiEUuXtPNc?t=8750>.

¹¹ *Id.* at 5:04:05, <https://youtu.be/0eiEUuXtPNc?t=18245>.

¹² *Id.* at 6:22:55, <https://youtu.be/0eiEUuXtPNc?t=22975>.

put the safety and welfare of students at risk. Plaintiffs-Appellants' interest in ensuring transgender and gender non-conforming students are provided a safe and supportive education environment free of hostility and discrimination is an urgent one. Each day that passes while TVUSD's forced outing policy remains in effect compounds the significant and irreparable harm to transgender and gender non-conforming students.

ARGUMENT

I. TVUSD's Policy Violates the Rights of Transgender and Gender Non-Conforming Students to be Free of Discrimination and Harassment under California Law.

California law unequivocally prohibits discrimination and harassment in California public schools on the basis of gender. Both the state Constitution's equal protection guarantee and state statutory law affirmatively require public schools to protect students from unlawful discrimination and harassment, including on the basis of gender, gender identity, gender expression, and sexual orientation.¹³ To this end, California has enacted laws and policies that ensure a safe and welcoming learning environment for all students, including by prohibiting schools from interfering with students' right to be identified by their authentic name and pronouns as well as their right to access programs and facilities that align with their gender identity.¹⁴

¹³ Cal. Const., art. I, § 7; Ed. Code, §§ 200, 201, 220, 234 et seq.; Gov. Code, § 11135.

¹⁴ See Ed. Code, § 221.5(f); Cal. Dept. of Ed. (CDE), *Legal Advisory Regarding Application of California's Antidiscrimination Statutes to Transgender Youth in Schools*, (last reviewed Feb. 29, 2024) <https://www.cde.ca.gov/re/di/eo/legaladvisory.asp>; Cal. Dept. of Ed. (CDE), *School Success and Opportunity Act (Assembly Bill 1266) Frequently Asked Questions* (last reviewed Feb. 29, 2024) <https://www.cde.ca.gov/re/di/eo/faqs.asp>.

TVUSD’s policy violates these laws by impermissibly singling out transgender and gender non-conforming students for discrimination based solely on their gender identity. TVUSD’s policy discriminates by requiring parental notification any time a student “[r]equest[s] to be identified or treated[] as a gender . . . other than the student’s biological sex or gender listed on the student’s birth certificate or any other official records” as well as any time a student “[a]ccess[es] sex-segregated school programs and activities, including athletic teams and competitions, or us[es] bathroom or changing facilities that do not align with the student’s biological sex or gender listed on the birth certificate or other official records.”¹⁵ A student’s gender identity is the only criterion that triggers notification. And while all students in California have the right to learn free from discrimination and harassment, TVUSD’s policy imposes a condition on accessing that right—a condition that, by the text of the policy itself, only applies to transgender and gender non-conforming students. In order to be identified by the name and pronouns that align with their gender identity, as well as to access programs and facilities that align with their gender identity, transgender and gender non-conforming students are subjected to TVUSD’s forced outing policy whereas cisgender students are not.

In California, policies that discriminate on the basis of gender identity are evaluated under strict scrutiny, meaning that to pass constitutional muster, they must be narrowly tailored to serve a compelling state interest.¹⁶ Animus toward transgender and gender non-conforming students is not a legitimate state interest, much less a compelling one.¹⁷ Even more, the policy

¹⁵ First Am. Compl., Ex. 2 ¶ 1.

¹⁶ *In re Marriage Cases* (2008) 43 Cal.4th 757, 784.

¹⁷ *See supra* p. 6 (testimony from TVUSD board members and supporters revealing the discriminatory intent and animus driving the policy).

necessarily fails because a categorical forced outing policy is not a narrowly tailored one. It leaves no room for nuance or for consideration of whether a student is ready to come out at home or indeed what their home life is like. As discussed *infra*, the impact of this sweeping policy on transgender and gender non-conforming students who are not ready to come out to their families will be to force them back into the closet or place them at risk of familial rejection.

II. TVUSD’s Forced Outing Policy Irreparably Injures Transgender and Gender Non-Conforming Students and their Families, Eroding the Foundation for Affirming School Environments that Foster Success.

Decades of research have shown that transgender and gender non-conforming students and their families suffer irreparable harm when young people are outed before they are ready, illustrating the urgent need for a preliminary injunction in this case. By contrast, studies consistently show that affirming school environments—where LGBTQ+ students feel safe to express their authentic selves on their own terms—foster an array of social, emotional, and academic successes. This research is borne out by the record in TVUSD as well as in the public record that has been generated by the wave of California school districts, including Anderson Union High School District, Chino Valley Unified School District, Clovis Unified School District, Murrieta Valley Unified School District, Orange Unified School District, and Rocklin Unified School District, that have considered or passed policies nearly identical to TVUSD’s.¹⁸

¹⁸ See, e.g., Yarbrough, *LGBTQ Students on New School Rules: “It’s Clear Our Lives are Not Important,”* San Bernardino Sun (Aug. 28, 2023), <https://www.sbsun.com/2023/08/28/southern-california-lgbtq-students-say-new-rules-endanger-their-safety> (as of Oct. 1, 2024); Montalvo, *‘This is life or death.’ California Teens Say Transgender Outing Policies Threaten Safety*, Fresno Bee (Sept. 15, 2023), <https://www.fresnobee.com/news/local/article278697909.html> (as of Oct. 1, 2024).

A. Outing Transgender and Gender Non-Conforming Students Without Their Consent Results in Serious and Irreparable Harm to Their Social, Emotional, and Physical Well-Being and Safety.

Policies like TVUSD's subject transgender and gender non-conforming students to harm by forcing them to stay "in the closet" at school, causing irreparable injury throughout various aspects of their lives. For example, after Chino Valley Unified School District passed its identical policy last year, students reported that their transgender and gender non-conforming peers who once perceived school as a "haven when their homes were not" are now "being 'shoved' back into the closet."¹⁹ Indeed, Rainbow Youth Project launched a hotline specifically for California students concerned about forced outing policies just like TVUSD's. From the hotline's launch in August 2023 to June 2024, RYP reports receiving a staggering total of 5,934 phone calls, many from "young people [] in distress" who "have a fear of being outed, a fear of being rejected by families if they are."²⁰

Courts have recognized that forcing transgender students to use their birth name and pronouns exposes them to the "life threatening" risks of discrimination when they are already harassed at alarming rates in schools.²¹

¹⁹ Gomez, "Kids Are Having to Use Their Deadname": Students Say Gender Policies Make Schools Feel Unsafe, L.A. Times (Sept. 21, 2023), <https://www.latimes.com/california/story/2023-09-21/transgender-students-parental-notification-policies-schools-lgbtq-forced-outing> (as of Oct. 1, 2024).

²⁰ Hatch, *Bill banning parent notification policies in California schools gains momentum amid protest*, Sacramento Bee (June 27, 2024) <https://www.sacbee.com/news/politics-government/capitol-alert/article289549608.html> (as of Oct. 1, 2024).

²¹ See *Doe v. Boyertown Area School District* (3d Cir. 2018) 897 F.3d 518, 529, petition for certiorari denied, (2019) 139 S. Ct. 2636; *Grimm v. Gloucester County School Board* (4th Cir. 2020) 972 F.3d 586, 612.

These findings are buttressed by research showing that being referred to by the wrong name and pronouns results in psychological distress, including anxiety- and depression-related symptoms.²² Further studies have shown that youth “who were outed to their parents reported greater depressive symptoms and lower LGBTQ family support compared to youth who were not outed,” and that overall, “a lack of agency in disclosing a sexual and/or gender identity to parents can greatly undermine the well-being of [LGBTQ+ youth].”²³

This psychological distress in turn results in poorer academic outcomes among LGBTQ+ students. When transgender and gender non-conforming young people feel unsafe at school, they are more than twice as likely than their peers to miss school.²⁴ For example, when Rocklin Unified School District was considering a similar forced outing policy, a member of the public shared that they had been outed by their counselor while they were

²² McLemore, *A Minority Stress Perspective on Transgender Individuals’ Experiences with Misgendering* (2018) 3 *Stigma and Health* 53, 59.

²³ McCauley et al., *Stress of being outed to parents, LGBTQ family support, and depressive symptoms among sexual and gender diverse youth* (2024) 34 *J. of Rsch. on Adolescence* 205, <https://onlinelibrary.wiley.com/doi/abs/10.1111/jora.12912> (as of Oct. 1, 2024).

²⁴ 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 Oct. 1, 2024); 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-Full-Report.pdf> (as of Oct. 1, 2024); Grossman et al., *Lesbian, Gay, Bisexual and Transgender Youth Talk about Experiencing and Coping with School Violence: A Qualitative Study* (2009) 6 *J. of LGBT Youth* 24, <https://www.tandfonline.com/doi/full/10.1080/19361650802379748> (as of Oct. 1, 2024).

in school and, as a result, their parents sent them to conversion therapy.²⁵ Afterward, “[i]t separated me. . . , I was vulnerable and left out, and I did not trust my teachers after that . . . I did not concentrate at school. I was always afraid.”²⁶ Forcing transgender and gender non-conforming students to come out at home before they are ready also exposes them to high risks of familial rejection, which frequently leads to homelessness, among other negative outcomes. One 2020 survey found that 29% of LGBTQ youth had experienced homelessness, been kicked out of their home, or run away.²⁷ As one person testified at an Orange Unified School District board meeting where its similar forced outing policy was being considered:

[A]s a kid, I hid my identity from my family. I knew that they would reject and disown me, but I was outed to my family when I was 15. As a result, I was rejected. . . . I was asked to leave one of my parents’ homes. I was isolated and I was

²⁵ “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, *Banning Sexual Orientation and Gender Identity Change Efforts*, (2021) <https://www.apa.org/topics/lgbtq/sexual-orientation-change> (as of Oct. 1, 2024). Research has shown that conversion therapy causes poor mental health as well as academic and job performance. Ryan et al., *Parent-Initiated Sexual Orientation Change Efforts With LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment* (2020) 67 J. of Homosexuality 159, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10371222> (as of Oct. 1, 2024).

²⁶ Rocklin Unified School Board, *Rocklin Unified School District Board of Trustee’s Meeting – September 6, 2023* (Sept. 6, 2023) YouTube at 1:52:21 https://www.youtube.com/watch?v=e_qD1y9QUUp8 (as of Oct. 1, 2024).

²⁷ The Trevor Project, *National Survey on LGBTQ Youth Mental Health 2020* (2020), <https://www.thetrevorproject.org/survey-2020> (as of Oct. 1, 2024); see also Baams et al., *LGBTQ Youth in Unstable Housing and Foster Care*, 143(3) Pediatrics e20174211 (concluding based on California Healthy Kids Survey data that 25.3% of unstably housed youth in California were LGBTQ).

scared. . . . This policy by its nature implies being trans is negative or dangerous.²⁸

Other community members who have attended school board meetings to testify in opposition to forced outing policies include social workers, clergy, and police officers, who described their experience working with youth forced to leave home because their parents refused to accept their LGBTQ+ identity.²⁹

Transgender and gender non-conforming people are also significantly more likely to experience physical, psychological, and sexual abuse from an immediate family member.³⁰ During Rocklin Unified School District’s school board meeting, for example, one student shared that her friend took her life after being outed to her parents as transgender:

²⁸ Orange Unified School District, *OUSD Board Meeting – September 7, 2023* (Sept. 7, 2023) YouTube at 5:12:35–5:13:42 <https://www.youtube.com/watch?v=fe92I8VuFtU>.

²⁹ See, e.g., Rocklin Unified School Board, *supra*, at 3:10:00 (“If [the kids] don’t take their own lives, somebody else does it for them. . . . When parents pushed them out because they cannot accept their personal choices, they cannot unconditionally love their children.”); Murrieta Valley USD Board of Education, *August 10, 2023 Murrieta Valley USD Board of Education Meeting Before Break* (Aug. 10, 2023) YouTube at 1:01:53 <https://www.youtube.com/watch?v=jjJrlixQuzw> (“We know statistically that LGBTQ children . . . are disproportionately in the foster system and on the street. . . . That is for reasons of being told to leave or children’s lives being made so unbearable that they leave of their own will. Once on the street, they are doing unimaginable things to survive.”); *id.* at 2:42:52 (a police officer describing having encountered children being trafficked, self-medicating through substance use, or being abused after being disowned by their parents for being LGBTQ+).

³⁰ Roberts et al., *Childhood Gender Nonconformity: A Risk Indicator for Childhood Abuse and Posttraumatic Stress in Youth* (2012) 129 *Pediatrics* 410, 413–414; see also James et al., *The Report of 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 Oct. 1, 2024).

[T]hey didn't beat her, but they shamed her, isolated and emotionally abused her. . . . When they found out, they pulled her from school, took away her phone, and forbade her from seeing any friends. She killed herself before she was old enough to drive. Her parents didn't even give her a funeral because they said, "he [sic] lived in sin and he [sic] died in sin."³¹

While TVUSD may argue that its policy has a "safety exception"³² that requires staff to contact Child Protective Services (CPS), this would not effectively prevent harm to students and their families and could even intensify it. Indeed, while "[s]chools are the largest single source of child abuse and neglect hotline reports to CPS agencies," such reports are "especially unlikely to be investigated, substantiated, or lead to meaningful protective action," instead "lead[ing] to unwanted and largely unhelpful CPS agency intervention and coercive regulation of families."³³ These outcomes are reflected in parallel data showing that transgender and other LGBTQ+ youth are significantly overrepresented in foster care (30.4%) and unstable housing (25.3%) in a nationally representative sample (11.2%).³⁴

³¹ Rocklin Unified School Board, *supra*, at 1:54:46.

³² The policy states that "[n]othing in this policy affects the obligations of the District's employees, administrators, and certificated staff as mandated reporters under" sections 11164–11174.3 of the Penal Code and other applicable laws. Thus, on its face, it appears to instruct TVUSD personnel to contact parents as well as Child Protective Services. Moreover, it is unclear what standard of proof TVUSD expects students to meet, as to the extent and nature of their fear or expectation of abuse, in order to trigger CPS notification—which, as described *infra*, may well make matters worse.

³³ 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 (as of Oct. 1, 2024).

³⁴ 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 Oct. 1, 2024).

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

B. Affirming School Environments Allow LGBTQ+ Students to Express Their Authentic Selves on Their Own Terms, Fostering an Array of Social, Emotional, and Academic Successes.

By contrast, schools that eschew forced outing policies can be critical sources of support and safety for transgender, gender non-conforming, and other LGBTQ+ students. For many transgender students, school is a place where they can be their authentic selves safely, even when home is not—with one study showing that transgender youth were more likely to report finding affirming spaces at school (52%) than at home (35%).³⁵ These types of affirming school climates are a protective factor for LGBTQ+ students in

³⁵ The Trevor Project, *2023 U.S. National Survey on the Mental Health of LGBTQ Young People* (2023), https://www.thetrevorproject.org/survey-2023/assets/static/05_TREVOR05_2023survey.pdf (as of Oct. 1, 2024).

terms of harassment and bullying, mental health, and safety.³⁶ Indeed, studies have found that transgender youth who were able to use names and pronouns corresponding to their gender identity experienced a 29% decrease in reported thoughts of suicide and a 56% decrease in suicidal behavior.³⁷

A significant component of affirming school environments is the presence of adults—even just one—who are accepting of a young person’s LGBTQ+ identity. As a graduate of Orange Unified School District publicly testified during the school board’s forced outing deliberations:

[I]n high school, I began to learn and understand a little bit more about myself and who I was as an individual. All I needed was someone to hear me, but at that time, my family would not have understood what was going through my mind. A teacher listened. . . . Later on as an adult, it was my decision to come out to my family when I was ready and at my own time.³⁸

A recent survey confirms this: LGBTQ+ youth with at least one accepting adult in their life were 30% less likely to report a suicide attempt in the past year.³⁹ And numerous other studies have shown that a transgender young

³⁶ 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>; Ancheta et al., *The Impact of Positive School Climate on Suicidality and Mental Health Among LGBTQ Adolescents: A Systematic Review* (2020) 37 Journal of School Nursing 75, <https://journals.sagepub.com/doi/10.1177/1059840520970847> (as of Oct. 1, 2024).

³⁷ 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.

³⁸ Orange Unified School District, *supra*, at 5:14:15–5:15:21.

³⁹ The Trevor Project, *Acceptance from Adults is Associated with Lower Rates of Suicide Attempts Among LGBTQ Young People* (Sept. 22, 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 Oct. 1, 2024).

person’s access to a safe adult at school leads to higher GPAs, fewer absences from school, and feeling less victimized and more connected to the school.⁴⁰

Similarly, research shows that transgender and gender non-conforming young people who were able to come out on their own terms and felt accepted by a parent or caregiver had significantly better health outcomes—including around 40% lower odds of attempting suicide⁴¹—compared to young people who were out but did not feel accepted.⁴²

When schools allow LGBTQ+ students to express their authentic selves on their own terms, the benefits are innumerable. As one Clovis Unified School District student summed it up: “This situation is more than just a young person wanting to experiment with a new identity. It’s safety in knowing that they have a place where they can freely be who they are.”⁴³

⁴⁰ See, e.g., Seelman et al., *School engagement among LGBTQ high school students: The roles of safe adults and gay-straight alliance characteristics* (2015) 57 Child. & Youth Servs. Rev. 19, <https://www.sciencedirect.com/science/article/abs/pii/S0190740915300281> (as of Oct. 1, 2024); McGuire et al., *School climate for transgender youth: a mixed method investigation of student experiences and school responses* (2010) 39 J. of Youth & Adolescence 1175, <https://pubmed.ncbi.nlm.nih.gov/20428933>; Pollitt et al., *Predictors and Mental Health Benefits of Chosen Name Use among Transgender Youth* (2021) 53 Youth & Soc’y 320, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7678041> (as of Oct. 1, 2024).

⁴¹ The Trevor Project, *Acceptance from Adults is Associated with Lower Rates of Suicide Attempts Among LGBTQ Young People*, *supra*.

⁴² See, e.g., Ryan et al., *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults* (2009) 123 Pediatrics 346, <https://doi.org/10.1542/peds.2007-3524>; Simons et al., *Parental Support and Mental Health Among Transgender Adolescents* (2013) 53 J. of Adolescent Health 791, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3838484> (as of Oct. 1, 2024); Pollitt, *supra*.

⁴³ Clovis Unified School District, *CUSD Board Meeting 9/20/23* (Sept. 20, 2023) YouTube at 2:52:22 <https://www.youtube.com/watch?v=7yzhR6qlsCQ>.

CONCLUSION

When LGBTQ+ young people feel safe to come out on their own terms and can be their authentic selves, they are significantly more likely to thrive socially, emotionally, and academically. Research shows many ways that school districts can create such a positive school climate, including adopting robust antidiscrimination policies, training educators and staff, teaching inclusive curricula, and empowering students to create clubs and other spaces on campus where they can be themselves.

TVUSD's policy does the opposite. It singles out transgender and gender non-conforming students for adverse treatment, subjecting them to a punitive rule that applies to no other group of students, and sends a message to the entire school community that certain gender identities are dangerous and must be suppressed. Every day that passes with the policy in effect causes further irreparable harm to transgender and gender non-conforming students and to the broader school community. For these reasons, this Court should reverse the ruling below and order the court below to enter the preliminary injunction requested by Plaintiffs-Appellants.

Date: October 2, 2024

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

Pursuant to Rule 8.204(c) of the California Rules of Court and in reliance on the word count of the computer program used to prepare this brief, counsel certifies that the text of this brief (including footnotes and excluding the items listed in Rule 8.204(c)(3)) was produced using 13-point type and contains 4,313 words.

Date: October 2, 2024

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PROOF OF SERVICE

MAE M., et al. v. JOSEPH KOMROSKY, et al.

Case No. G064332

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, Angelica Lujan, declare that I am over the age of eighteen and not a party to the above action. My business address is 1313 West 8th Street, Los Angeles, CA 90017. My electronic service address is alujan@aclusocal.org. On October 2, 2024, I served the attached **[Proposed] Brief of Amici Curiae ACLU of Southern California, ACLU of Northern California, et al.** by electronic service via TrueFiling, which automatically notices all counsel involved in this matter.

I further declare that I served the same document, **[Proposed] Brief of Amici Curiae ACLU of Southern California, ACLU of Northern California, et al.**, by mail as a courtesy copy to Hon. Judge Eric Keen of Riverside Superior Court of California (Appellate Division) at the following address: 4100 Main Street, Riverside, CA 92501.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the above is true and correct.

Executed on October 2, 2024, in Los Angeles, California.


ANGELICA LUJAN