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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER**

CALIFORNIA DEPARTMENT OF
EDUCATION,

Petitioner,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

Respondent.

Case No. S-CV-0052605

RESPONDENT ROCKLIN UNIFIED SCHOOL
DISTRICT'S RESPONSE IN OPPOSITION TO
PETITION FOR WRIT OF MANDATE

Date: September 18, 2026

Time: 8:30 a.m.

Dept: 1

Judge: Commissioner Christine Dehr

TABLE OF CONTENTS

Table of Authorities	iii
I. Introduction	1
II. Factual Background and Procedural History	1
III. Standard of Review	3
IV. Argument	3
A. Federal law precludes the relief sought by CDE	3
1. <i>Mirabelli v. Bonta</i> recognizes constitutionally protected parental notification rights	3
2. The Ninth Circuit has affirmed <i>Mirabelli</i> and the constitutionality of parental notification policies	5
3. RUSD's policy serves to codify these constitutionally protected rights.....	6
4. The Policy neither constitutes discrimination nor violates students' privacy rights	6
5. The federal injunction independently bars CDE's enforcement theory	8
6. CDE's corrective action is preempted and legally unenforceable	10
B. The extraordinary relief sought exceeds CDE's statutory authority	10
C. Even if CDE had authority, it cannot satisfy the requirements for mandamus relief.....	12
1. No clear, present ministerial duty exists	12
2. CDE has no clear, present, beneficial right to the relief sought.....	13
3. Adequate alternative remedies exist	13
4. Mandamus will not issue to compel unlawful conduct.....	14
V. Conclusion	15

TABLE OF AUTHORITIES

Federal Cases

<i>Brown v. Board of Education</i> (1954) 347 U.S. 483	7
<i>City of Huntington Beach v. Newsom</i> (9th Cir. June 18, 2026) No. 25-3826, 2026 U.S. App. LEXIS 17884	5
<i>Mahmoud v. Taylor</i> (2025) 606 U.S. 522	1, 4, 5
<i>Marbury v. Madison</i> (1803) 5 U.S. 137	11
<i>Mirabelli v. Bonta</i> (2026) 607 U.S. 492.....	1, 3, 4, 5, 6, 13, 14
<i>Mirabelli v. Olson</i> (S.D. Cal. 2025) 820 F.Supp.3d 1123	4, 6, 9
<i>Parham v. J.R.</i> (1979) 442 U.S. 584	4, 8
<i>Pierce v. Soc’y of Sisters</i> (1925) 268 U.S. 510	4
<i>Troxel v. Granville</i> (2000) 530 U.S. 57	6
<i>United States v. Nixon</i> (1974) 418 U.S. 683	11

California Cases

<i>Alliance for a Better Downtown Millbrae v. Wade</i> (2003) 108 Cal.App.4th 123	3, 12
<i>California Teachers Ass’n v. Governing Board of Rialto Unified Sch. Dist.</i> (1997) 14 Cal.4th 627, 650	13
<i>Carsten v. Psychology Examining Com.</i> (1980) 27 Cal.3d 793.....	13
<i>City Council of Santa Monica v. Super. Ct. of L.A. Cty.</i> (1962) 204 Cal.App.2d 68	3
<i>Cooke v. Super. Ct.</i> (1989) 213 Cal.App.3d 401	3
<i>Dawson v. E. Side Union High Sch. Dist.</i> (1994) 28 Cal.App.4th 998.....	11
<i>People ex rel. Bonta v. Chino Valley Unified Sch. Dist.</i> , (Cal. Super. Ct. Oct. 3, 2024) No. CIVSB2317301, 2024 Cal.Super. LEXIS 65890	12
<i>Pomona Police Officers’ Ass’n v. City of Pomona</i> (1997) 58 Cal.App.4th 578	3, 12
<i>Pratt v. Adams</i> (1964) 229 Cal.App.2d 602.....	3, 12
<i>Santa Clara Cty. Counsel Attorneys Ass’n v. Woodside</i> (1994) 7 Cal.4th 525	3, 12

1 *Save the Plastic Bag Coalition v. City of Manhattan Beach*
2 (2011) 52 Cal.4th 15513

3 *Slater v. City Council of L.A.* (1965) 238 Cal.App.2d 8643, 12

4 *State of Cal. v. Super. Ct. (Veta Co.)* (1974) 12 Cal.3d 23713

5 **California Statutes**

6 Code Civ. Proc.

7 § 1085.....3, 12, 15

8 Cal. Educ. Code

9 § 200.....9

10 § 220.....2, 6, 7, 9, 10, 13, 14

11 § 220.3.....2

12 § 220.5.....2

13 § 33315.....10, 11, 12

14 § 35160.....11

15 § 35160.1.....11

16 § 51100(a)2

17 § 51100(b).....2

18 Cal. Gov. Code

19 § 11135.....9

20 Cal. Penal Code

21 § 11164 et seq.8

22 Cal. Code Regs., Title 5

23 § 4670(a)(1)14

24 § 4670(a)(2)14

25 § 4670(a)(3)11, 14

26 § 4900 et seq.9

Other Authorities

Cal. Const. Art. I, § 1	9
Cal. Const. Art. III, § 3	11
U.S. Const. Art. VI, cl. 2.....	6

I. INTRODUCTION

The California Department of Education (“CDE”) requests that this Court issue a writ of mandate compelling Rocklin Unified School District (“RUSD”) to comply with CDE’s corrective action. Granting this relief, however, would require the Court to disregard parents’ constitutional rights—rights recently recognized and reaffirmed by the United States Supreme Court—and to contravene a federal injunction currently in effect. Moreover, CDE seeks this extraordinary relief without statutory authority, under a statute that cannot constitutionally be applied as CDE demands, and without meeting the basic legal requirements for the extraordinary remedy of writ of mandate.

The legal landscape has fundamentally changed since CDE’s February 2024 Investigation Report directing corrective action. In the past year alone, the Supreme Court has reinforced the robust body of case law enforcing and upholding parental rights in the context of public education. (*See, e.g., Mahmoud v. Taylor* (2025) 606 U.S. 522; *Mirabelli v. Bonta* (2026) 607 U.S. 492.) Indeed, as discussed below, CDE itself has complied with and affirmed those very rights. Nevertheless, it asks this Court to enforce an administrative order that rests on clearly incorrect legal premises. This Court should not issue an extraordinary writ to enforce an administrative order that directly conflicts with federal authority. And even if the matter were one which should be properly adjudicated before this Court, CDE cannot satisfy its burden to obtain mandamus relief.

II. FACTUAL BACKGROUND AND PROCEDURAL HISTORY

In September 2023, RUSD adopted a parental notification policy. (Pet. for Writ of Mandate, (“Petition”) ¶ 20, Ex. B.) The policy specifically provided that “the rights of parents/guardians of district students include” the right:

[t]o be notified within three (3) school days when their child **requests** to be identified as a gender other than the child’s biological sex or gender; **requests** to use a name that differs from their legal name (other than a commonly recognized nickname) or to use pronouns that do not align with the child’s biological sex or gender; **requests** access to sex-segregated school programs and activities, or bathrooms or changing facilities that do not align with the child’s biological sex or gender. Notification shall be made by the classroom teacher, counselor, or site administrator. Such notification shall only be delayed up to 48 hours to fulfill mandated reporter requirements when a staff member in conjunction with the site administrator determines based on credible evidence that such notification may result in substantial jeopardy to the child’s safety.

1 (Petition, ¶ 20, Ex. B, emphasis original.)

2 In adopting the policy, RUSD lawfully revised AR 5020, “Parent Rights and Responsibilities,” to
3 safeguard parents’ rights to be informed about the social development of their children. The right to notice
4 parents was and is consistent with other parental notification and participation rights and requirements in
5 AR 5020; parents can observe their child’s classroom, be notified if their child is absent without
6 permission, receive the results of their child’s standardized tests, examine their child’s curriculum, be
7 informed about school rules, receive information about psychological testing and deny permission to test
8 their child, and question anything in their child’s record that they feel is inaccurate or misleading. It is also
9 consistent with California law, which deems it “fundamental to a healthy system of public education” to
10 “involv[e] parents and guardians of pupils in the education process.” (California Education Code (“EC”)
11 § 51100(a).) “Research has shown conclusively that early and sustained family involvement at home and
12 at school in the education of children results both in improved pupil achievement and in schools that are
13 successful at educating all children.” (*Id.* § 51100(b).)

14 In response to a compliance complaint, CDE began an investigation into the policy and issued an
15 investigation report in February 2024 finding that RUSD was out of compliance with EC, § 220 because
16 the policy was allegedly facially discriminatory and circumvented students’ constitutional right to privacy.
17 CDE imposed corrective actions, which required that RUSD inform all school personnel and all students
18 that the policy was discriminatory and would not be implemented. Within 10 days, RUSD was to provide
19 CDE with evidence of compliance. RUSD sought reconsideration; CDE refused. RUSD did not comply
20 with the corrective actions. In April 2024, CDE initiated this lawsuit seeking a writ of mandate to compel
21 compliance.

22 While this litigation was pending, on July 15, 2024, Governor Newsom signed Assembly Bill 1955
23 (“AB 1955”) into law, which went into effect on January 1, 2025. AB 1955 specifically added Education
24 Code Section 220.3, which provides that employees may not be required to disclose information regarding
25 a student’s sexual orientation, gender identity, or gender expression without the student’s consent, unless
26 otherwise required by state or federal law. It also added Education Code Section 220.5 to prohibit school
27 districts, county offices of education, charter schools, and state special schools from adopting or enforcing
28 policies requiring such disclosure. (Stats. 2024, ch. 95 (AB 1955).) The law prompted new litigation

1 throughout the state as parents, teachers, and school districts sought to defend constitutionally protected
2 parental rights.

3 Now, more than two years after the inception of this case, the debate surrounding these constitutional
4 protections has been addressed by various jurisdictions—including the nation’s highest court—and comes
5 before this Court for consideration.

6 **III. STANDARD OF REVIEW**

7 A court may issue a writ of mandate “to compel the performance of an act which the law specifically
8 enjoins, as a duty resulting from an office, trust, or station” (Code Civ. Proc. § 1085.) “Mandamus
9 issues only to compel the performance of an act that law specially enjoins. An applicant for the writ must
10 show that his right thereto is clear and certain.” (*City Council of Santa Monica v. Super. Ct. of L.A. Cty.*
11 (1962) 204 Cal.App.2d 68, 73.) To obtain a writ of mandate, the burden is upon the petitioner to show (1)
12 a clear, present ministerial duty on the part of the respondent and (2) a correlative clear, present, and
13 beneficial right to the petitioner to the performance of that duty. (*Santa Clara Cty. Counsel Attorneys Ass’n*
14 *v. Woodside* (1994) 7 Cal.4th 525, 539; *Alliance for a Better Downtown Millbrae v. Wade* (2003) 108
15 Cal.App.4th 123, 128–29.) Generally, a writ will lie when there is no plain, speedy, and adequate
16 alternative remedy. (*Pomona Police Officers’ Ass’n v. City of Pomona* (1997) 58 Cal.App.4th 578, 584.)

17 “Mandamus is an equitable remedy. It will not be used to compel the performance of acts which are
18 illegal, contrary to public policy, or which tend to aid unlawful purpose.” (*Pratt v. Adams* (1964) 229
19 Cal.App.2d 602, 606.) “A writ of mandate should not issue to enforce an abstract or moot right.” (*Slater v.*
20 *City Council of L.A.* (1965) 238 Cal.App.2d 864, 868.)

21 “Because equitable principles apply in mandamus proceedings” the Court “may properly consider all
22 relevant evidence, including facts which arose after” the petitioner “filed its petition for writ of mandate.”
23 (*Cooke v. Super. Ct.* (1989) 213 Cal.App.3d 401, 407.)

24 **IV. ARGUMENT**

25 **A. Federal law precludes the relief sought by CDE.**

26 **1. *Mirabelli v. Bonta* recognizes constitutionally protected parental notification** 27 **rights.**

28 On March 2, 2026, the Supreme Court of the United States issued its decision in *Mirabelli v. Bonta*

1 (2026) 607 U.S. 492. That decision vacated the Ninth Circuit’s stay of a permanent injunction issued by
2 Judge Roger Benitez of the United States District Court of the Southern District of California on December
3 22, 2025, in *Mirabelli v. Olson* (S.D. Cal. 2025) 820 F.Supp.3d 1123. The case arose as a result of
4 California public schools’ “Parental Exclusion Policies,” which Judge Benitez unequivocally held
5 implicate the constitutionally protected rights of parents. (*Mirabelli*, 820 F.Supp.3d at 1159.)

6 In a substantive per curiam opinion, the Supreme Court explained why the parent plaintiffs in *Mirabelli*
7 were likely to prevail on First Amendment Free Exercise and Fourteenth Amendment Due Process grounds
8 and why the Ninth Circuit’s stay of the injunction pending appeal was improper. The Court concluded that
9 “the parents who seek religious exemptions are likely to succeed on the merits of their Free Exercise Clause
10 claim” because “the intrusion of parents’ free exercise rights here—unconsented facilitation of a child’s
11 gender transition—is greater than the introduction of LGBTQ storybooks we considered sufficient to
12 trigger strict scrutiny in *Mahmoud*.” (*Mirabelli*, 607 U.S. at 496.)

13 The Court also concluded that the parents who objected to the policies on Fourteenth Amendment due
14 process grounds would likely be entitled to relief, affirming that parents—not the State—have primary
15 authority with respect to ‘the upbringing and education of children.’” (*Id.* at 497 (quoting *Pierce v. Soc’y*
16 *of Sisters* (1925) 268 U.S. 510, 534–35).) The rights protected by the Due Process clause include the right
17 of parents to “not be shut out of participation in decisions regarding their children’s mental health.” (*Id.*
18 (citing *Parham v. J.R.* (1979) 442 U.S. 584, 602).) The Court held that “when a child exhibits symptoms
19 of gender dysphoria at school, California’s policies conceal that information from parents and facilitate a
20 degree of gender transitioning during school hours” which “likely violate parents’ rights to direct the
21 upbringing and education of their children.” (*Id.*) The Court concluded by holding that the equities did not
22 justify depriving the parents of the District Court’s judgment in their favor because the uncontested
23 overriding equity—children’s safety—was promoted by “*guaranteeing* fit parents a role in some of the
24 most consequential decisions in their children’s lives.” (*Id.* (emphasis added).)

25 Here, CDE argues that *Mirabelli* is a narrow, emergency-docket ruling that does not bind this Court.
26 That is wrong for several reasons. First, the Supreme Court’s vacatur of the Ninth Circuit stay reinstated a
27 permanent injunction, not a preliminary one. The District Court’s summary judgment in favor of parents
28 is operative. Second, the Supreme Court did not limit its consideration to procedural questions but offered

1 a full analysis of the merits in favor of parental rights. Third, the Court explicitly stated that the intrusion
2 here—allowing schools to conceal gender identity information from parents—is more constitutionally
3 serious than the conduct at issue in *Mahmoud v. Taylor*. This is not a narrow holding.

4 CDE’s contention that *Mirabelli* applies only to the named plaintiffs ignores that the District Court
5 certified a class action and entered a class-wide permanent injunction. The injunction covers all parents
6 who object to the challenged policies and implicates the entire state and its public-school employees. (*Id.*
7 at 498.) Even if the injunction was as limited as CDE purports, the Court clearly stated that California’s
8 policies “likely violate parents’ rights to direct the upbringing and education of their children.” (*Id.* at 497.)

9 Finally, CDE argues that RUSD’s policy extends beyond the intended scope of the Supreme Court’s
10 holding because the Court focuses on children exhibiting symptoms of gender dysphoria, rather than those
11 who “express a transgender identity,” and, CDE asserts, “merely being transgender is not a ‘symptom[] of
12 gender dysphoria.’” (Pet.’s Am. Memo. of P&A ISO Writ of Mandate (“Memo.”) at 14.) That argument
13 rests on a distinction RUSD neither expects nor permits its educators to make. Teachers and school staff
14 are not trained to diagnose psychological conditions, nor should they be tasked with distinguishing between
15 a child who is “merely being transgender” and one experiencing gender dysphoria. That responsibility
16 properly belongs to parents, who can obtain appropriate medical or psychological evaluations for their
17 child. Requiring educators to make such uncorroborated clinical judgments would expand their role far
18 beyond what can reasonably be expected. The Supreme Court’s opinion contains no language supporting
19 such a distinction.

20 Thus, the Supreme Court’s decision in *Mirabelli* is relevant and applicable to this Court’s analysis.

21 **2. The Ninth Circuit has affirmed *Mirabelli* and the constitutionality of parental**
22 **notification policies.**

23 The Ninth Circuit recently confirmed the scope of *Mirabelli* in *City of Huntington Beach v. Newsom*
24 (9th Cir. June 18, 2026) No. 25-3826, 2026 U.S. App. LEXIS 17884. Contrary to CDE’s attempt to confine
25 *Mirabelli* to only a narrow subset of parents, the Ninth Circuit recognized that the Supreme Court’s
26 decision establishes not only that the government may not preclude parental notification, but also that
27 policies requiring such notification are constitutionally protected. Specifically, the court held that “[i]n
28 light of *Mirabelli*, AB 1955 thus *forbids the mandatory policies that the Constitution requires* with respect

1 to information about a child exhibiting symptoms of gender dysphoria, and the objecting parents who
2 affirmatively desire any such information from schools have sufficient Article III standing because they
3 are ‘objects’ of AB 1955’s provisions.” (*Id.* at *9 (emphasis added).) This holding is likewise relevant to
4 the current analysis.

5 **3. RUSD’s policy serves to codify these constitutionally protected rights.**

6 CDE asks this Court to defy the United States Supreme Court and the Ninth Circuit. Under the
7 Supremacy Clause, U.S. Const. Art. VI, cl. 2, a state law that conflicts with federal constitutional rights is
8 unenforceable.

9 Long before *Mirabelli* specifically addressed a parent’s right to be informed of their child’s gender
10 transition at school, the Supreme Court repeatedly affirmed that “the interest of parents in the care, custody,
11 and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by the
12 Court.” (*Troxel v. Granville* (2000) 530 U.S. 57, 65.) RUSD’s policy does not create a new right; it codifies
13 a long-standing one.

14 In contrast, CDE’s interpretation of discrimination law is an unprecedented and radical departure from
15 established legal history. CDE’s corrective action order effectively prohibits what the Constitution
16 requires: ensuring that parents, not schools, remain “the primary protectors of children’s best interests.”
17 (*Id.* at 68–69.) To the extent CDE seeks to use Education Code Section 220 to compel RUSD to conceal
18 gender-identity information from parents, its efforts are preempted by the federal constitutional rights
19 recognized by federal constitutional law. Indeed, the *Mirabelli* trial court opinion that was specifically
20 upheld by the Supreme Court states that Section 220 runs “headlong into federal constitutional rights” and
21 that therefore, “federal rights are supreme.” (*Mirabelli v. Olson* (S.D. Cal. 2025) 820 F.Supp.3d 1123,
22 1135–36.) A state court cannot issue a writ compelling a party to violate federal constitutional law. Striking
23 down RUSD’s policy would do precisely that.

24 **4. The Policy neither constitutes discrimination nor violates students’ privacy rights.**

25 Education Code Section 220 provides that “no person shall be subjected to discrimination on the basis
26 of disability, gender, gender identity, gender expression . . .” (EC, § 220.) CDE contends that the
27 notification policy is “facially discriminatory” because it “singles out, applies to, and affects only
28 transgender and gender nonconforming students, and does so based on their status as transgender or gender

1 nonconforming” (Memo. at 2–3.) RUSD maintains, however, that notifying the parents of students who
2 are experiencing gender incongruence does not amount to discrimination. CDE offers no evidence for its
3 sweeping assertion that the policy “impairs the access to equal educational opportunities to a class of RUSD
4 students who express a gender other than the one they were assigned at birth.” (*Id.* at 3.) Instead, CDE
5 relies on the conclusory determination that the policy would cause students who might make the requests
6 covered by the parental notification *more likely to forgo their rights* in order to avoid personal and family
7 difficulties. (*Id.* at 8 (emphasis added).)

8 Discrimination in public schools is a serious concern and must be addressed whenever it occurs. But
9 this policy is not discriminatory. Although Education Code Section 220 does not define “discrimination,”
10 Merriam-Webster defines the word to mean: “the act or practice, or an instance of unfairly treating a person
11 or group differently from other people or groups on a class or categorical basis.” ([https://www.merriam-](https://www.merriam-webster.com/dictionary/discrimination)
12 [webster.com/dictionary/discrimination](https://www.merriam-webster.com/dictionary/discrimination) (last visited June 25, 2026).) Since the Supreme Court’s landmark
13 decision in *Brown v. Board of Education* (1954) 347 U.S. 483, courts have repeatedly recognized students’
14 right to equal treatment in public schools. Yet CDE cites no authority remotely analogous to the facts
15 presented here. It identifies no case holding that a school district discriminates against a student simply by
16 notifying the student’s parents of matters affecting the student’s health and well-being.

17 RUSD’s policy does not subject any student to differential or unfair treatment. It simply communicates
18 a fact to parents—the same way the district notifies parents of other issues affecting their child’s well-
19 being. Labeling such notification as “discrimination” would be equivalent to claiming that a school
20 discriminates against a student with asthma by informing the parent that the child has experienced an
21 asthma attack at school. The school is not treating the student differently because of the condition; it is
22 merely conveying truthful information to the individuals legally responsible for the child’s health and care.
23 A school does not discriminate when it notifies a parent that their child is struggling with dyslexia, has
24 shown signs of depression, has experienced bullying, or has been injured during recess or while playing a
25 sport. The school is required to communicate truthful information to those with the legal right and
26 responsibility to act on behalf of the child. Concealment of such information—not disclosure—would
27 constitute differential treatment. CDE’s expansive interpretation of “discrimination” stretches the term
28

beyond its legal meaning. A school that truthfully informs parents of a student's expressed gender incongruity has not treated that student differently than any other student in the school.

RUSD further maintains that the policy does not violate students' privacy rights. Although CDE contends—without any supporting evidence or authority—that the policy infringes on a student's state constitutional right to privacy by requiring disclosure of gender identity information over a student's objection, well-established constitutional principles require that parental rights take precedence in this context. When a child's asserted privacy interest conflicts with a parent's fundamental right to direct the care, custody, and control of their child, the law recognizes that “parents retain a substantial, if not the dominant role, in a health care decision.” (*Parham, supra*, 442 U.S. at 602.) A parent's right to direct their child's care necessarily includes the right to information about a child's mental health and the government cannot stretch a child's privacy interest so far as to withhold such information from the parents.

CDE also incorrectly characterizes AR 5020 as a policy that mandates disclosure at the expense of student safety. But the policy does not exist in a vacuum and was designed to operate in harmony with existing state law, not override it. The district does not presume, nor does the policy suggest, that its notification requirements supersede a staff member's independent legal obligations under the Child Abuse and Neglect Reporting Act (“CANRA”). (Penal Code § 11164 et seq.) RUSD specifically built into the policy a child-safety exception designed to permit compliance with mandatory reporting obligations. This provision ensures that there is time and authority to trigger the State's existing child-safety apparatus before a parent is notified.

RUSD's policy does not discriminate against students on the basis of gender identity, nor does it violate their privacy rights. The policy simply requires schools to share relevant information with parents—the same obligation that applies when any noteworthy event occurs during school hours. CDE's position is not only legally unsupported, but logically incoherent.

5. The federal injunction independently bars CDE's enforcement theory.

Independent of the underlying merits of the rights at play, CDE is currently subject to a statewide federal injunction that expressly prohibits the enforcement theory it advances here. The injunction in place orders that the state and its agents and employees are:

1 enjoined from implementing or enforcing (1) the Privacy Provision of the California
2 Constitution, Cal. Const. Art. I, § 1; (2) any other provisions of California law, including
3 equal protection provisions such as Cal. Educ. Code §§ 200, 220, Cal. Gov. Code § 11135;
4 or (3) any regulations or guidance such as the 2016 “Legal Advisory regarding application
5 of California's antidiscrimination statutes to transgender youth in schools” and
6 accompanying FAQ page, or Cal. Code Regs., tit. 5, §§4900-4965, or the newly produced
7 PRISM cultural competency training, in such a manner as to:

8 (a): permit or require any employee in the California state-wide education system
9 from misleading the parent or guardian of a minor child in the education system
10 about their child’s gender presentation at school, whether by: (i) directly lying to
11 the parent; (ii) preventing the parent from accessing educational records of the
12 child; or (iii) using a different set of pronouns/names when speaking with the
13 parents than is being used at school;

14 (b): permit or require any employee in the California state-wide education system
15 to use a name or pronoun to refer to that child that do not match the child’s legal
16 name and natal pronouns, where a child’s parent or legal guardian has
17 communicated their objection to such use;

18 (c): require any employee in the California state-wide education system to use a
19 name or pronoun to refer to a child that does not match the child’s legal name and
20 natal pronouns while concealing that social gender transition from the child’s
21 parents, over the employee’s conscientious or religious objection;

22 (d): or in any way interfere with a teacher or other school administrator, counselor
23 or staff from communicating to parents that his, her, or their child has manifested a
24 form of gender incongruity such as changing preferred names or pronouns.

25 (Mirabelli v. Olson (S.D. Cal. Dec. 22, 2025) No. 3:23-cv-0768-BEN-VET, 2025 U.S. Dist. LEXIS
26 269263 at *6–8.)

27 The injunction further required the state to post the following notice: “Parents and guardians have a
28 federal constitutional right *to be informed* if their public school student child expresses gender
incongruence. Teachers and school staff have a federal constitutional right to accurately inform the parent
or guardian of their student when the student expresses gender incongruence. *These federal constitutional*
rights are superior to any state or local laws, state or local regulations, or state or local policies to the
contrary.” (*Id.* at *8 (emphasis added).)

CDE has posted this notice on its official website, where it remains in effect.
(<https://www.cde.ca.gov/ci/pl/prism.asp> (last visited June 30, 2026).) CDE cannot acknowledge these
federal constitutional rights on its public website while asking this Court to disregard them. By complying

1 with the injunction, CDE has recognized the existence of these rights. The relief it seeks in this action
2 would substantially undermine or nullify the very rights it purports to acknowledge.

3 **6. CDE’s corrective action is preempted and legally unenforceable.**

4 Although CDE filed an amended petition, it continues to maintain that its corrective action is
5 enforceable and that “no intervening legislative actions or judicial decisions have changed the fact that
6 RUSD’s policy violates California Education Code § 220, which prohibits discrimination based on
7 protected characteristics in public schools.” (Memo. at 1.) This premise is accurate only in the sense that
8 the policy has *never* violated the Education Code. From its inception—and regardless of the legislation and
9 litigation that followed its adoption—the policy has remained both lawful and proper.

10 Yet, even so, a federal court has since issued a statewide injunction expressly limiting the application
11 of Section 220 in the context of parental notification—an injunction recently upheld by the United States
12 Supreme Court. CDE is now federally enjoined from applying the Education Code to strike down policies
13 that protect a parent’s constitutional right to be informed. Because CDE’s corrective action directly
14 conflicts with superseding federal constitutional law, it cannot be enforced.

15 While acknowledging that secrecy policies—which require schools to withhold gender identity
16 information from parents—have been deemed unconstitutional, CDE simultaneously argues that a policy
17 requiring disclosure of the same information is also unlawful. A school cannot be legally required to stop
18 concealing information from parents while also being legally forbidden from disclosing it. This Court
19 should reject such an untenable interpretation.

20 **B. The extraordinary relief sought exceeds CDE’s statutory authority.**

21 This case is not an ordinary administrative enforcement action. Although CDE characterizes this
22 litigation as an effort to enforce a corrective action under Education Code Section 33315, the relief it seeks
23 requires this Court to resolve fundamental questions of state and federal constitutional law. Specifically,
24 CDE asks this Court to declare a locally adopted board policy unlawful, permanently prohibit its
25 implementation, and determine the extent to which constitutional parental rights limit the application of
26 California’s antidiscrimination statutes. Those are not merely administrative determinations; they are
27 quintessential judicial questions.

1 Education Code Section 33315 and Cal. Code Regs., Title 5, Section 4670(a)(3) authorize CDE to seek
2 judicial enforcement of a corrective action when a local educational agency fails to comply with the
3 administrative directions. However, this is an administrative enforcement scheme, not a grant of standing
4 to litigate the facial validity of a board-adopted policy under the United States or California Constitutions.
5 CDE’s authority to enforce the Education Code should not be confused with authority to conclusively
6 interpret it. Further, RUSD is not simply refusing to comply with a corrective action; it disputes CDE’s
7 underlying legal conclusion that AR 5020 violates the law.

8 California law grants local school districts broad authority to govern their own affairs and develop
9 policies responsive to local needs. (EC, §§ 35160, 35160.1.) “School boards have broad discretion in the
10 management of school affairs.” (*Dawson v. E. Side Union High Sch. Dist.* (1994) 28 Cal.App.4th 998,
11 1018.) “Courts should give substantial deference to the decisions of local school districts and boards within
12 the scope of their broad discretion, and should intervene only in clear cases of abuse of discretion.” (*Id.* at
13 1019.) Accordingly, the district’s adoption of AR 5020 falls within its statutory authority unless prohibited
14 by law. Whether it is prohibited by law is a judicial question—not for CDE to decide through an
15 administrative corrective action procedure.

16 CDE’s interpretation of Education Code Section 33315 also violates the separation of powers. “Persons
17 charged with the exercise of one power may not exercise either of the others except as permitted by th[e]
18 Constitution.” (Cal. Const., art. III, § 3.) The judicial power “can no more be shared” with another branch
19 “than the Chief Executive, for example, can share with the Judiciary the veto power. (*United States v.*
20 *Nixon* (1974) 418 U.S. 683, 704.) It is “the province and duty” of the courts—not administrative agencies—
21 “to say what the law is.” (*Id.* at 705; *Marbury v. Madison* (1803) 5 U.S. 137, 177.) Here, CDE investigated
22 the complaint, determined that AR 5020 violates the law, issued a corrective action requiring its repeal,
23 and now asks this Court to adopt CDE’s constitutional interpretation and enforce its own administrative
24 finding. Nothing in Education Code Section 33315 suggests the Legislature intended to vest CDE with the
25 authority to unilaterally invalidate a duly enacted policy based on its own interpretation of the Constitution.

26 If the State wishes to challenge a policy on constitutional grounds, that challenge belongs in an
27 independent enforcement action brought by the Attorney General, where the constitutional issues are
28 presented to the court in the first instance—not through judicial enforcement of CDE’s own administrative

1 order. The State’s own litigation history confirms that the Attorney General, not CDE, is vested with the
2 authority to litigate issues of statewide constitutional significance. For example, in *People ex rel. Bonta v.*
3 *Chino Valley Unified Sch. Dist.*, (Cal. Super. Ct. Oct. 3, 2024) No. CIVSB2317301, 2024 Cal.Super.
4 LEXIS 65890, it was the Attorney General’s office, not CDE, that represented the State in an action
5 challenging a parental notification policy. The Attorney General is California’s chief law officer, charged
6 with representing the State’s legal interests in matters of statewide importance. CDE, by contrast, is an
7 administrative agency charged with overseeing public education and enforcing the Education Code through
8 the administrative process established by statute. Nothing in Section 33315 transfers the Attorney
9 General’s constitutional litigation function to CDE.

10 Because CDE seeks relief beyond that authorized by the Education Code, its petition exceeds the
11 statutory authority granted by the Legislature. The constitutional questions presented here may be resolved
12 only by the judiciary in an appropriate action—not by judicial enforcement of CDE’s own administrative
13 determination.

14 **C. Even if CDE had authority, it cannot satisfy the requirements for mandamus relief.**

15 Even apart from the merits and CDE’s lack of authority to pursue this action, its petition still fails
16 because it cannot satisfy the requirements for traditional mandamus. To obtain relief under California Code
17 of Civil Procedure Section 1085, the burden is upon the petitioner to show (1) a clear, present ministerial
18 duty on the part of the respondent and (2) a correlative clear, present, and beneficial right to the petitioner
19 to the performance of that duty. (*Santa Clara Cty. Counsel Attorneys Ass’n v. Woodside* (1994) 7 Cal.4th
20 525, 539; *Alliance for a Better Downtown Millbrae v. Wade* (2003) 108 Cal.App.4th 123, 128–29.)
21 Generally, a writ will lie when there is no plain, speedy, and adequate alternative remedy. (*Pomona Police*
22 *Officers’ Ass’n v. City of Pomona* (1997) 58 Cal.App.4th 578, 584.) And because mandamus is an equitable
23 remedy, it will not issue to compel the performance of acts which are illegal, contrary to public policy, or
24 in aid of an unlawful purpose. (*Pratt v. Adams* (1964) 229 Cal.App.2d 602, 606.) Nor does it issue “to
25 enforce an abstract or moot right.” (*Slater v. City Council of L.A.* (1965) 238 Cal.App.2d 864, 868.)

26 **1. No clear, present ministerial duty exists.**

27 CDE cannot show that RUSD had a “clear, present ministerial duty” to comply with the corrective
28 action at issue here. That purported duty depends entirely on the antecedent legal conclusion that AR 5020

violates Education Code Section 220 and may be prohibited notwithstanding parents’ constitutional rights. But that conclusion is not settled; it is the central legal dispute in this case. A duty is not ministerial where its existence turns on unresolved questions of statutory interpretation or constitutional law. (*See State of Cal. v. Super. Ct. (Veta Co.)* (1974) 12 Cal.3d 237, 247–48 (holding that a process that requires a delicate balancing test is manifestly inconsistent with an assertion that a function is purely ministerial in character); *see also California Teachers Ass’n v. Governing Board of Rialto Unified Sch. Dist.* (1997) 14 Cal.4th 627, 650 (vacating a writ of mandate and holding that the court may not “rewrite [a] statute to conform to an assumed intention which does not appear from its language”).) RUSD disputes CDE’s legal determination and asserts a substantial constitutional basis for its policy and its noncompliance. In light of *Mirabelli*, CDE cannot plausibly contend that California law imposes a clear and presently enforceable duty to allow for nondisclosure in these circumstances. At a minimum, the law is subject to serious constitutional dispute. That alone defeats any claim that RUSD is subject to the type of clear ministerial duty required for writ relief.

2. CDE has no clear, present, beneficial right to the relief sought.

Even if a duty existed, CDE cannot establish that it possesses a “clear, present, and beneficial right” to the performance of the duty. To satisfy this requirement, CDE must show a direct and substantial right to be preserved or protected over and above the interest held in common with the public at large. (*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166; *Carsten v. Psychology Examining Com.* (1980) 27 Cal.3d 793, 796.) CDE does not identify any specific right that has been implicated by the policy. Instead, it asserts a remote, administrative interest in enforcing its own idiosyncratic interpretation of the Education Code. Furthermore, CDE cannot claim a beneficial right to enforce a corrective action that has been precluded by intervening federal authority. Because the *Mirabelli* injunction expressly prohibits the State from enforcing the requirements CDE seeks to impose here, CDE has no “beneficial right” to use the power of this Court to compel the district to violate federal law.

3. Adequate alternative remedies exist.

CDE also cannot show that mandamus is necessary because other plain, speedy, and adequate remedies are available. CDE argues that “any other, limited options aside from the writ are not adequate.” (Memo. at 9.) But that is not the governing standard. A petitioner seeking writ relief must show that there are no

1 other plain, speedy, or adequate remedies at law. Mandamus is an extraordinary remedy, and it does not
2 lie merely because other available enforcement options are less convenient or preferred.

3 CDE’s own regulations identify multiple enforcement options when a local educational agency does
4 not comply with a corrective action, including withholding funding (§ 4670(a)(1)); placing the agency on
5 probationary eligibility for future state or federal support (*id.* at subd. (a)(2)); and proceeding in a court of
6 competent jurisdiction for an appropriate order compelling compliance (*id.* at (a)(3)). Judicial enforcement
7 is one available mechanism among several.

8 CDE’s argument that funding-related measures are “last resort” options does not establish that mandate
9 is proper. The regulation does not provide that subdivision (a)(3) displaces the ordinary requirements for
10 extraordinary writ relief or suggest that judicial mandate becomes available when CDE simply prefers not
11 to pursue the other administrative remedies. The existence of the enforcement mechanisms set out in
12 subdivisions (a)(1) and (a)(2) undercuts any claim that CDE lacks adequate alternatives. At a minimum,
13 CDE has not shown that those regulatory remedies are unavailable, ineffective, or insufficient. For that
14 reason alone, writ relief should be denied.

15 **4. Mandamus will not issue to compel unlawful conduct.**

16 Even if CDE could establish the ordinary elements of mandamus—which it cannot—a court may not
17 use mandate to compel conduct that is unlawful. As explained above, CDE’s position cannot be reconciled
18 with the federal constitutional principles recognized in *Mirabelli* and the resulting injunction prohibiting
19 state officials from using Education Code Section 220 to allow schools to withhold from parents
20 information about their students’ gender identity. CDE asks this Court to compel conduct in an area where
21 federal law has affirmatively strained the State’s authority.

22 Further, writ relief cannot be used to force a public entity to choose between compliance with a state
23 administrative directive and obedience to federal constitutional law. This Court cannot be compelled to
24 place the district in a “catch-22” situation in which it is precluded from alerting parents of students’ social
25 transitions pursuant to this writ, while being required to comply with the permanent injunction put forth
26 by the federal government in *Mirabelli*.

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Dated: July 17, 2026

By: /s/ Kathryn Cosgrove
Kathryn Cosgrove
Attorney for Respondent

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PROOF OF SERVICE

I, **Enedra Harden**, am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is Lozano Smith, 400 Capitol Mall, Suite 2200, Sacramento, CA 95814. My email address is eharden@lozanosmith.com.

On July 16, 2026, I served the:

**RESPONDENT ROCKLIN UNIFIED SCHOOL DISTRICT'S
RESPONSE IN OPPOSITION TO PETITION FOR WRIT OF MANDATE**

on the interested parties in said cause, as follows and I caused delivery to be made by the mode of service indicated below:

[X] **(BY ELECTRONIC MAIL)** on all parties in said action by transmitting a true and correct copy to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Angelique Huttonhill, Deputy General Counsel
Paul Gant, Assistant General Counsel
California Department of Education
Email: AHuttonhill@cde.ca.gov
Email: PGant@cde.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 16, 2026, at Sacramento, California.

/s/ Enedra Harden
Enedra Harden