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APR 22 2024

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Angelique Huttonhill (SBN 322957), California Department of Education
1430 N Street, Room 5319, Sacramento, CA 95814

Rocklin Unified School District
2615 Sierra Meadows Drive
Rocklin, CA 95677
FOR COURT USE ONLY

TELEPHONE NO.: 916-319-0860 FAX NO.: 916-322-2549
EMAIL ADDRESS: ahuttonhill@cde.ca.gov
ATTORNEY FOR (Name): Petitioner California Department of Education

ELECTRONICALLY FILED
Superior Court of California,
County of Placer
04/10/2024 at 10:42:20 AM
By: Breanne E Sanders
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Placer

STREET ADDRESS: 10820 Justice Center Drive
MAILING ADDRESS:
CITY AND ZIP CODE: Roseville, CA 95678
BRANCH NAME: Hon. Howard G. Gibson Courthouse

CASE NAME:
California Department of Education v. Rocklin Unified School District

CASE NUMBER:
S-CV-0052605

CIVIL CASE COVER SHEET
[X] Unlimited (Amount demanded exceeds \$35,000)
[] Limited (Amount demanded is \$35,000 or less)

Complex Case Designation
[] Counter [] Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:
DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- [] Auto (22)
[] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- [] Asbestos (04)
[] Product liability (24)
[] Medical malpractice (45)
[] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- [] Business tort/unfair business practice (07)
[] Civil rights (08)
[] Defamation (13)
[] Fraud (16)
[] Intellectual property (19)
[] Professional negligence (25)
[] Other non-PI/PD/WD tort (35)

Employment

- [] Wrongful termination (36)
[] Other employment (15)

Contract

- [] Breach of contract/warranty (06)
[] Rule 3.740 collections (09)
[] Other collections (09)
[] Insurance coverage (18)
[] Other contract (37)

Real Property

- [] Eminent domain/Inverse condemnation (14)
[] Wrongful eviction (33)
[] Other real property (26)

Unlawful Detainer

- [] Commercial (31)
[] Residential (32)
[] Drugs (38)

Judicial Review

- [] Asset forfeiture (05)
[] Petition re: arbitration award (11)
[X] Writ of mandate (02)
[] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- [] Antitrust/Trade regulation (03)
[] Construction defect (10)
[] Mass tort (40)
[] Securities litigation (28)
[] Environmental/Toxic tort (30)
[] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- [] Enforcement of judgment (20)

Miscellaneous Civil Complaint

- [] RICO (27)
[] Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- [] Partnership and corporate governance (21)
[] Other petition (not specified above) (43)

2. This case [] is [X] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. [] Large number of separately represented parties
b. [] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. [] Substantial amount of documentary evidence
d. [] Large number of witnesses
e. [] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. [] Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. [] monetary b. [X] nonmonetary; declaratory or injunctive relief c. [] punitive

4. Number of causes of action (specify):

5. This case [] is [X] is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 3/28/24

Angelique Huttonhill

(TYPE OR PRINT NAME)



Angelique Huttonhill

Digitally signed by Angelique Huttonhill
Date: 2024.03.28 12:30:30 -0700'

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
File this cover sheet in addition to any cover sheet required by local court rule.
If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF PLACER

APR 19 2024

Jake Chatters
Executive Officer & Clerk
By: C. Waggoner, Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Rocklin Unified School District

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

California Department of Education

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California, Placer County
10820 Justice Center Drive, Roseville, CA 95678

CASE NUMBER:
(Número del Caso):
S-CV-0052605

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Angelique Huttonhill, California Department of Education, 1430 N St, Sacramento, CA 95814

DATE:
(Fecha)

APR 19 2024

Clerk, by
(Secretario)

G. Waggoner, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

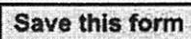
(SEAL)



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify): Rocklin Unified School District
under:

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input checked="" type="checkbox"/> other (specify): 416.50 (Public Entity)	
- by personal delivery on (date):



1 LEN GARFINKEL, State Bar No. 114815
General Counsel
2 PAUL RAY GANT, State Bar No. 159844
Assistant General Counsel
3 ANGELIQUE HUTTONHILL, State Bar No. 322957
Deputy General Counsel
4 California Department of Education
1430 N Street, Room 5319
5 Sacramento, CA 95814
Telephone: 916-319-0860
6 Facsimile: 916-322-2549
Email: ahuttonhill@cde.ca.gov
7 Attorneys for Petitioner California Department of Education
(Petitioner is a Public Entity and Exempt from Filing Fees Pursuant to Gov't. Code § 6103)

ELECTRONICALLY FILED
Superior Court of California,
County of Placer
04/10/2024 at 10:42:20 AM
By: Breanne E Sanders
Deputy Clerk

8
9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF PLACER**

12 CALIFORNIA DEPARTMENT OF EDUCATION,) Case No. TBA S-CV-0052605
13 Petitioner,)
14 v.) PETITION FOR WRIT OF MANDATE
15 ROCKLIN UNIFIED SCHOOL DISTRICT,) PURSUANT TO CALIFORNIA CODE OF
16 Respondent.) CIVIL PROCEDURE SECTION 1085 AND
17) REQUEST FOR DECLARATORY
18) RELIEF

Petition Hearing
Date: 06/13/2024
Time: 8:30 AM
Dept.: 3

20 **I. INTRODUCTION**

21 1. Under state law, the California Department of Education (CDE) is empowered to
22 establish and implement a system for processing complaints alleging unlawful discrimination against
23 any protected group in any program or activity conducted by an educational institution that is funded
24 directly by, or that receives or benefits from, any state financial assistance. Cal. Educ. Code¹
25 § 33315(a)(1)(F).

26 2. On September 7, 2023, the CDE received a complaint from a Placer County educator,
27 _____

28 ¹ All statutory citations are to be the California Education Code unless otherwise specified.

1 alleging that the Rocklin Unified School District (RUSD) had engaged in unlawful discrimination by
2 enacting an inequitable policy that was discriminatory in nature towards marginalized students.

3 3. Pursuant to its statutory and regulatory authority, as set forth in the relevant statutes and
4 Uniform Complaint Procedures (UCP), CDE conducted a direct investigation, issued a report, and
5 ordered corrective actions to be carried out by RUSD. Educ. Code §§ 200, 202(f), 220, 33315(a)(1)(F)
6 and (a)(5); Cal. Code Regs. tit. 5, §§ 4650, 4663-4664.

7 4. RUSD has, at all times through the date of this Petition, unlawfully refused and failed to
8 carry out the corrective actions set forth in CDE's Investigative Report, dated February 1, 2024.

9 5. If a local educational agency (LEA) does not complete the corrective actions assigned by
10 CDE, the CDE may seek a court order compelling compliance. Cal. Code Regs. tit. 5, § 4670(a)(3).

11 6. RUSD has a clear, present, ministerial duty to comply with the corrective actions, and
12 the CDE has a clear, present, beneficial right to require performance of such duty.

13 7. By this petition, CDE seeks a writ of mandamus to compel RUSD to carry out its
14 ministerial duty under state law to comply with the corrective actions assigned by CDE pursuant to
15 CDE's right and responsibility under Education Code sections 33315(a)(1)(F) and (a)(5) to investigate
16 allegations that a public elementary and/or secondary school district (also known as a LEA) has
17 violated applicable laws against educational institutions discriminating against individuals based on
18 membership in a protected class, and to assign and enforce such corrective actions as appropriate.

19 II. JURISDICTION AND VENUE

20 8. This Court has jurisdiction to grant injunctive relief on behalf of Petitioner pursuant to
21 Code of Civil Procedure section 1085.

22 9. This Court has jurisdiction to grant declaratory relief on behalf of Petitioner pursuant to
23 Code of Civil Procedure section 1060.

24 10. Venue lies properly in the Superior Court of the County of Placer because RUSD is a
25 LEA that is located in the County of Placer. Cal. Civ. Proc. Code § 394.

26 11. Petitioner is a public entity and is not required to file a verified complaint in this matter.
27 Cal. Civ. Proc. Code § 446.

28 ///

1 **III. PARTIES**

2 12. Petitioner CDE is the state educational agency (SEA) with general supervision
3 responsibility in ensuring LEAs comply with their duty to refrain from discriminating against
4 individuals based on membership in a protected class in any program or activity that is funded by the
5 state, or receives or benefits from, any state financial assistance. Cal. Educ. Code §§ 200, 202(f), 220,
6 33308, 33315(a)(1)(F) and (a)(5). The CDE is beneficially interested in the resolution of this matter.

7 13. Respondent RUSD is a LEA organized within Placer County and is responsible for
8 providing public elementary and/or secondary education to students within its territory. Cal. Educ.
9 Code § 35000 et seq. RUSD is a proper party to an educational equity compliance complaint and has a
10 ministerial duty to comply with corrective actions issued by the CDE as the result of CDE's
11 investigation of a compliance complaint. Cal. Code Regs. tit. 5, §§ 4600(o), (p); 4610 (a), (b).

12 **IV. BACKGROUND ALLEGATIONS**

13 14. In California, all persons in public schools are afforded equal rights and opportunities in
14 California's state educational institutions. Cal. Educ. Code § 200. Specifically, no persons shall be
15 subjected to discrimination on the basis of disability, gender, gender identity, gender expression,
16 nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in
17 the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration
18 status, in any program or activity conducted by an educational institution that receives, or benefits from
19 state financial assistance, or enrolls pupils who receive state student financial aid. Cal. Educ. Code
20 § 220.

21 15. The CDE is the SEA with general supervision responsibility in ensuring compliance in
22 any program or activity conducted by a LEA that receives, or benefits from, state financial assistance,
23 or enrolls pupils who receive state student financial aid through a system of complaint processing,
24 known as the UCP. Cal. Educ. Code §§ 33308; 33315.

25 16. Under the UCP, individuals making allegations of discrimination may file a compliance
26 complaint directly with the LEA deemed responsible for complying with prohibitions against unlawful
27 discrimination, harassment, intimidation, or bullying against any protected group as identified under

28 ///

1 Education Code sections 200 and 220. Cal. Code Regs. tit. 5, § 4630. The Complainant may also
2 lodge such complaints with the CDE. Cal. Code Regs. tit. 5, § 4650.

3 17. The UCP allows for direct intervention by the CDE in its discretion, where, among other
4 things, the CDE determines that the complainant “would suffer immediate and irreparable harm as a
5 result of an application of a districtwide policy that is in conflict with state or federal law covered by
6 this chapter, and that filing a complaint with the LEA would be futile.” Cal. Educ. Code § 33315(a)(5);
7 Cal. Code Regs. tit. 5, § 4650, subd. (a)(5).

8 18. When it assumes direct initial jurisdiction over a UCP complaint, the CDE analyzes
9 documentation and other evidence relating to the allegations and issues an investigation report. Cal.
10 Code Regs. tit. 5, §§ 4663-4664. This occurs within 60 days, unless the CDE documents exceptional
11 circumstances that justify an extension of the time period for response, and informs the complainant.
12 Cal. Educ. Code § 33315(a)(5). An investigation report must include: a summary of the allegations; a
13 description of the procedures of the investigation; applicable legal citations; findings of fact;
14 conclusions; required actions; and a timeline for any corrective actions. Cal. Code Regs. tit. 5, § 4664.
15 Within 30 days, the LEA may request reconsideration of the CDE’s investigation report. Cal. Code
16 Regs. tit. 5, § 4665(a). Within 60 days of a request for reconsideration, the CDE must respond. *Id.*,
17 subsection (c). Pending reconsideration, the CDE’s investigation report remains in effect and
18 enforceable, unless stayed by a court. *Id.* If a LEA does not complete the corrective actions assigned by
19 the CDE, the CDE is authorized to seek a court order compelling compliance. Cal. Code Regs. tit. 5, §
20 4670(a)(3).

21 V. FACTUAL ALLEGATIONS

22 19. On September 7, 2023, the CDE received a compliance complaint requesting the CDE
23 directly investigate an official action taken by the RUSD School Board on September 6, 2023. This
24 action was alleged to be discriminatory as to a certain subset of students defined by characteristics
25 protected under state law. (See Exhibit A hereto, redacted to protect personally identifiable
26 complainant information.)

27 20. Specifically, on September 6, 2023, the RUSD School Board adopted a policy that
28 required school personnel to notify parents if their child expressed in any RUSD school a gender other

1 than the one identified at birth (a classification of personal characteristics protected by law) by:

- 2 a. Requesting to be identified as a gender other than the child's biological sex or gender;
- 3 b. Requesting to use a name that differs from their legal name (other than a commonly
4 recognized nickname) or pronouns that do not align with the child's biological sex or
5 gender;
- 6 c. Requesting access to sex-segregated school programs and activities, or bathrooms or
7 changing facilities that do not align with the child's biological sex or gender.

8 (See Exhibit B.)

9 21. On September 22, 2023, CDE exercised its discretion to undertake a direct investigation
10 into the complaint allegations.

11 22. On November 6, 2023, the CDE informed the complainant that it was extending the 60-
12 day timeline.

13 23. On February 1, 2024, CDE issued its Investigation Report in Case No. 2023-0202. (See
14 Exhibit C.) The report found RUSD out of compliance with Education Code section 220 and assigned
15 corrective actions.

16 24. Specifically, CDE's February 1, 2024, Investigation Report found that RUSD's parental
17 notification mandate policy is a facially discriminatory policy that effectively singles out, applies to,
18 and *only* affects a particular group of students defined by legally protected characteristics by requiring
19 parental notification once a student expresses a gender other than the one identified at birth. This
20 policy is applicable *exclusively* to this class of students, whose very content of their communications
21 constitutes a self-identification of the student-speaker as a member of a class of persons who fall within
22 the statutory protections of Education Code section 220. Furthermore, the policy circumvents a
23 student's constitutional right of privacy and determination of when and where to share private personal
24 information regarding their gender identification and expression. This policy requires that this private
25 personal information be divulged without any regard as to the nuances of the relationship between the
26 student and parent. On its face, this parental notification requirement does not expressly, or by
27 implication, further an educational or school administrative purpose. It simply intervenes in personal
28 student-parent relationships for purposes entirely extraneous to the educational needs of the student and

1 the administrative needs of the school.

2 25. After finding that RUSD's policy was contrary to state law, CDE's February 1, 2024,
3 Investigation Report assigned RUSD the following corrective actions:

4 a. Within five school days of RUSD's receipt of the investigation report, the RUSD
5 Superintendent or the Superintendent's designee was required to inform all school
6 personnel subject to the discriminatory school policy in writing that the CDE determined
7 the policy is inconsistent with Education Code section 220 and for this reason the
8 mandatory notification requirements set forth in the discriminatory school policy would
9 not be implemented. [Corrective Action Number 1]

10 b. Within five school days of RUSD's receipt of the investigation report, the RUSD
11 Superintendent or the Superintendent's designee was required to provide written
12 notification to all students within the District that the mandatory notification
13 requirements of the discriminatory school policy would not be implemented.
14 [Corrective Action Number 2]

15 c. Within ten school days of RUSD's receipt of the investigation report, the RUSD
16 Superintendent or the Superintendent's designee was required to provide the CDE with
17 evidence of compliance with these corrective actions, which included providing copies
18 of the writings referred to in corrective actions 1 and 2 above. [Corrective Action
19 Number 3]

20 26. On February 29, 2024, CDE inquired of RUSD as to the status of its implementation of
21 the required corrective actions as outlined in the Investigation Report and reminded RUSD that
22 pursuant to Title 5, California Code of Regulations, section 4665(c), the corrective actions remained in
23 effect and enforceable even if RUSD made a request for reconsideration.

24 27. RUSD failed or refused to reply to CDE's inquiry and failed or refused to submit any
25 verification of implementation of the corrective actions.

26 28. On February 29, 2024, RUSD requested reconsideration of the CDE's Investigation
27 Report, as provided for in California Code of Regulations Title 5, section 4665.

28 29. On March 27, 2024, the CDE issued its reconsideration investigation report for Case No.

1 2023-0202, denying RUSD's request for reconsideration. (See Exhibit D.)

2 30. Upon information and belief of CDE, RUSD has failed to comply with the corrective
3 actions within the applicable deadlines after their receipt of the February 1, 2024, Investigation Report,
4 and has continued such failure through the date of this Petition.

5 **VI. FIRST CAUSE OF ACTION**

6 (Writ of Mandate, Code Civ. Proc. § 1085: Failure to fulfill ministerial duty)

7 31. Petitioner re-alleges and incorporates by reference each and every allegation contained
8 in the above paragraphs.

9 32. RUSD has a ministerial duty under state law to comply with the CDE's corrective
10 actions as described.

11 33. The CDE has a beneficial interest and legal duty under state law relating to achieving
12 RUSD's compliance with the CDE's corrective actions.

13 34. RUSD has failed to comply with the CDE's corrective actions as required by Education
14 Code sections 200, 220, and 33315(a)(1)(F), and California Code of Regulations Title 5, section 4664.

15 35. No law or regulation grants RUSD the discretion to disregard or delay prompt
16 implementation of the corrective actions mandated by Education Code sections 220 and 33315(a)(6),
17 and California Code of Regulations Title 5, section 4664(a)(6).

18 36. The CDE has no plain, speedy, and adequate remedy in the ordinary course of law.
19 Unless this court grants the relief requested, Respondent will continue to fail and refuse to perform its
20 legal duties. No other legal remedy could adequately provide compensation to the Petitioner for the
21 hardship caused by Respondent's failure to perform its legal duty.

22 37. No administrative remedy is available to the CDE.

23 **VII. SECOND CAUSE OF ACTION**

24 (Declaratory Relief, Cal. Civ. Proc. Code § 1060 – Against Respondent RUSD)

25 38. Petitioner re-alleges and incorporates by reference each and every allegation contained
26 in paragraphs 1 through 30 as if fully set forth herein.

27 39. A judicial determination resolving this dispute is necessary and appropriate at this time
28 as RUSD has, at all relevant times, through the current date, disregarded and/or delayed prompt

1 implementation of the corrective actions as imposed by CDE pursuant to Education Code section
2 33315(a)(6) and California Code of Regulations Title 5, section 4664(a)(6).

3 **VIII. PRAYER FOR RELIEF**

4 40. Issue a declaration that Respondent’s actions described herein violate state law by
5 disregarding and/or delaying prompt implementation of the corrective actions as imposed by CDE
6 pursuant to Education Code sections 200, 202(f), 220, and 33315(a)(1)(F), (5) and (6), and California
7 Code of Regulations Title 5, section 4664(a)(6).

8 41. Issue a writ of mandate pursuant to Code of Civil Procedure § 1085 commanding the
9 Respondent, upon service of the writ, to immediately comply with the corrective actions assigned by
10 the CDE in its February 1, 2024, Investigation Report.

11 42. Award the CDE costs and reasonable attorney’s fees as allowable pursuant to applicable
12 law; and

13 43. Grant any other relief as this Court may deem just and proper.

14
15 Dated: March 28, 2024

Respectfully submitted,
LEN GARFINKEL
General Counsel
PAUL RAY GANT
Assistant General Counsel

18
19 Angelique Huttonhill Digitally signed by Angelique Huttonhill
Date: 2024.03.28 09:39:57 -0700

By: _____
ANGELIQUE HUTTONHILL
Deputy General Counsel
Attorneys for Petitioner
California Department of Education

EXHIBIT A

From: [REDACTED]
Sent: Thursday, September 7, 2023 10:46 AM
To: EEUCPO <EEUCPO@cde.ca.gov>
Subject: [EXTERNAL] Rocklin Unified School District complaint

CAUTION! This email originated from outside the California Department of Education. Be careful of links and attachments.

To whom it may concern:

I write to you today in hopes of your office's assistance regarding a particularly urgent matter. My name is [REDACTED], and I am a [REDACTED] in Placer County. Yesterday, Rocklin Unified School District (a model district for many other districts in Placer County) voted on and passed a new policy that will disproportionately impact the safety of LGBTQ+ students in Rocklin and is discriminatory against their right to a safe educational environment. The policy passed requires educators to "out" students going by names other than their birth names or immediate nicknames (e.g., "Liz" or "Beth" for "Elizabeth") to school administrators, who will then be required to notify parents. This obviously poses a myriad of concerns, with the top one being the safety of transgender and nonbinary students.

While there are many people who are disgusted with the actions of the Rocklin school board, there are just as many who are in support of this unfair (and hopefully eventually illegal) policy. I hope that you will look into this inequitable policy and see that it is discriminatory in nature towards our most marginalized students. I hope this issue is of equal importance to the state's department of education as it is to me and other [REDACTED] across Placer County and the entire state. Below are some statistics from [The Trevor Project](#) regarding LGBTQ+ youth mental health...

- LGBTQ youth are **more than four times as likely** to attempt suicide than their peers.
- The Trevor Project's **2022 National Survey on LGBTQ Youth Mental Health** found that **45% of LGBTQ youth** seriously considered attempting suicide in the past year, including **more than half of transgender and nonbinary youth**.
- LGB young adults who report high levels of parental rejection are eight times more likely to report attempting suicide and six times more likely to report high levels of depression.
- Many LGBTQ youth lack access to affirming spaces, with only 55% of LGBTQ youth reporting that their school is LGBTQ-affirming and only 37% saying that their home is LGBTQ-affirming. Fewer than 1 in 3 transgender and nonbinary youth found their home to be gender-affirming and a little more than half (51%) found their school to be affirming.
- The Trevor Project's **research** has found that LGBTQ youth who found their school and home to be LGBTQ-affirming reported lower rates of attempting suicide.
- Transgender and nonbinary youth **attempt suicide less** when their pronouns are respected, when they are allowed to officially change the gender marker on their legal documents, and when they have access to spaces (online, at school, and home) that affirm their gender identity.

The links between suicide and unsupportive environments, including schools, is clear. How many LGBTQ+ students have to die by suicide in order for this ridiculous policy to be changed? For Rocklin and the rest of Placer County, I hope the answer is none, and that you are able to intervene and support the LGBTQ+ students of Rocklin from this unfair and discriminatory policy.

Thank you for your time, and hopefully your involvement in this matter.

Sincerely,

A solid black rectangular redaction box covering the signature area.

EXHIBIT B

Regulation 5020: Parent Rights And Responsibilities

Status: ADOPTED

Original Adopted Date: 06/15/2005 | Last Revised Date: 09/06/2023 | Last Reviewed Date: 09/06/2023

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

6. To request a particular school for their child and to receive a response from the district (Education Code 51101)

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)

8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232h)

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (Education Code 49091.10)

Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)

The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)

10. For parents/guardians of English learners, to support their child's advancement toward literacy (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

12. To have access to the school records of their child (Education Code 51101)

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)
 14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)
 15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision. (Education Code 51101)
 16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)
 17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h)
 18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)
- For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)
19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)
 20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)
 21. To 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.

Parent Responsibilities

Parents/guardians may support the learning environment of their children by: (Education Code 51101)

1. Monitoring attendance of their children
2. Ensuring that homework is completed and turned in on time
3. Encouraging their children to participate in extracurricular and cocurricular activities
4. Monitoring and regulating the television viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning
6. Volunteering in their child's classroom(s) or for other school activities
7. Participating in decisions related to the education of their own child or the total school program as appropriate

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 33126	<u>School accountability report card</u>
Ed. Code 35291	<u>Rules</u>
Ed. Code 48070.5	<u>Promotion and retention of students</u>
Ed. Code 48985	<u>Notices to parents in language other than English</u>
Ed. Code 49091.10-49091.19	<u>Parental review of curriculum and instruction</u>
Ed. Code 49602	<u>Counseling and confidentiality of student information</u>
Ed. Code 51100-51102	<u>Parent/guardian rights</u>
Ed. Code 51513	<u>Personal beliefs</u>
Ed. Code 60510	<u>Disposal of surplus instructional materials</u>

Federal References

20 USC 1232g	<u>Family Educational Rights and Privacy Act (FERPA) of 1974</u>
20 USC 1232h	<u>Privacy rights</u>

Management Resources References

Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>

Cross References

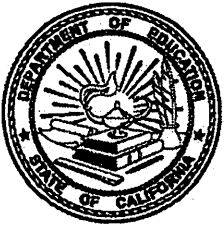
0450	<u>Comprehensive Safety Plan</u>
0450	<u>Comprehensive Safety Plan</u>
1100	<u>Communication With The Public</u>
1240	<u>Volunteer Assistance</u>
1240	<u>Volunteer Assistance</u>
1250	<u>Visitors/Outsiders</u>
1250	<u>Visitors/Outsiders</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
1700	<u>Relations Between Private Industry And The Schools</u>
3260	<u>Fees And Charges</u>
3260	<u>Fees And Charges</u>
4131	<u>Staff Development</u>
4131	<u>Staff Development</u>
5021	<u>Noncustodial Parents</u>
5022	<u>Student And Family Privacy Rights</u>
5022	<u>Student And Family Privacy Rights</u>
5113	<u>Absences And Excuses</u>
5113	<u>Absences And Excuses</u>

5116.1	<u>Intradistrict Open Enrollment</u>
5116.1	<u>Intradistrict Open Enrollment</u>
5117	<u>Interdistrict Attendance</u>
5117	<u>Interdistrict Attendance</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5121	<u>Grades/Evaluation Of Student Achievement</u>
5123	<u>Promotion/Acceleration/Retention</u>
5123	<u>Promotion/Acceleration/Retention</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5125.1	<u>Release Of Directory Information</u>
5125.1	<u>Release Of Directory Information</u>
5125.1-E PDF(1)	<u>Release Of Directory Information</u>
5125.3	<u>Challenging Student Records</u>
5131	<u>Conduct</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.6	<u>Alcohol And Other Drugs</u>
5132	<u>Dress And Grooming</u>
5132	<u>Dress And Grooming</u>
5132-E PDF(1)	<u>Dress And Grooming</u>
5141.3	<u>Health Examinations</u>
5141.3	<u>Health Examinations</u>
5142	<u>Safety</u>
5142	<u>Safety</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E PDF(1)	<u>Parent/Guardian Notifications</u>
6000	<u>Concepts And Roles</u>
6020	<u>Parent Involvement</u>
6020	<u>Parent Involvement</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>
6154	<u>Homework/Makeup Work</u>
6154	<u>Homework/Makeup Work</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1	<u>Selection And Evaluation Of Instructional Materials</u>
6161.1-E PDF(1)	<u>Selection And Evaluation Of Instructional Materials</u>
6173.2	<u>Education Of Children Of Military Families</u>
6173.2	<u>Education Of Children Of Military Families</u>
6174	<u>Education For English Learners</u>

6174
9200

Education For English Learners
Limits Of Board Member Authority

EXHIBIT C



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

**California Department of Education
Education Equity UCP Office
Investigation Report**

Case Matter No. 2023-0202

Local Educational Agency: Rocklin Unified School District (RUSD)

Date Complaint Received by the CDE: September 7, 2023

Extension of Time Documented: November 6, 2023

Subject of Complaint: Discrimination on the basis of gender identity and expression

Report Mailed: February 1, 2024

INVESTIGATION PROCEDURES AND DETERMINATION

The California Department of Education (CDE) received a complaint requesting the CDE directly investigate an official action taken by the Rocklin Unified School District ("RUSD" or "District") School Board on September 6, 2023, that was alleged to be discriminatory as to a certain subset of students defined by characteristics protected under California Law. In response, the CDE engaged in a review of publicly available information and reached a determination that the complaint has merit, pursuant to Title 5 CCR, Section 4664(a)(5), consistent with the details found in the Conclusion section of this Investigation Report.

SUMMARY OF COMPLAINT AND ALLEGATION

On September 7, 2023, the CDE received written communication from the complainant, a Placer County educator. In that communication, the Complainant discussed concerns relative to an official action taken by the RUSD School Board on September 6, 2023. Pertinent to the California Department of Education (CDE), the complainant expressly stated:

" Yesterday [September 6, 2023], Rocklin Unified School District (a model district for many other districts in Placer County) voted on and passed a new policy that will disproportionately impact the safety of LGBTQ+ students in Rocklin and is discriminatory against their right to a safe educational environment."

In that same communication the complainant specifically requested of the CDE:

” I hope that you [the CDE] will look into this inequitable policy and see that it is discriminatory in nature towards our most marginalized students.”

JURISDICTION

The CDE’s jurisdiction to address the Complainant’s request to determine whether the RUSD School Board’s action on September 6, 2023, relative to “LGBTQ+ students” is discriminatory is set forth in subparagraph (F) of paragraph (1), of subdivision (a) of *Education Code (EC) 33315* and paragraph (5) of subsection (a) of Title 5 of the *California Code of Regulations (5 CCR), Section 4650*.¹

The CDE elected to directly intervene, determining that the policy in question (referred to as “Paragraph 21” or “P-21”) raised serious questions as to whether its implementation would result in immediate denial of students’ right to be free from discrimination. Additionally, the CDE determined that referring the complaint to the District would be futile inasmuch the District’s Board itself had adopted the rule in question—P-21—and, therefore, District administrators are not in a position to make a final determination as to the legality of P-21.

PROCEDURES OF THE INVESTIGATION

The procedures undertaken in this investigation are governed by the Uniform Complaint Procedures (UCP) statute and regulations. In this case, the investigation consisted of a review of publicly available information from the RUSD’s Board meeting on September 6, 2023, including review of the minutes, and the language of the amendment to add Paragraph 21 to Board Policy Manual, Regulation 5020 (P-21). No witnesses were interviewed as the adoption of P-21 was a formal action contained in the minutes of the Board meeting and publicly displayed on the district’s website.

FINDINGS OF FACT

Pertinent to the allegation set forth above in the Summary of the Complaint and Allegation, the CDE makes the following findings of fact:

1. On September 6, 2023, in a regular meeting of the RUSD Board, the Board amended Board Policy Manual, Regulation 5020 (titled: “parent/Guardian Rights”) to add Paragraph 21 to Regulation 5020.
(This finding is based on the official RUSD website: [View Regulation 5020: Parent Rights And Responsibilities \(eboardsolutions.com\)](https://www.eboardsolutions.com).)

¹ The relevant text of the applicable statutes and regulations are included in **Appendix A** attached to this report.

2. The content of P-21 reads as follows:

The rights of parents/guardians of district students include, but are not limited to, the following:

...

21. To 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.

(This finding is based on the official RUSD website: [View Regulation 5020: Parent Rights And Responsibilities \(eboardsolutions.com\).](#))

3. The published September 6, 2023 RUSD Board minutes pertinent to P-21 are as follows:

7. Action Items - Regular Agenda

*7.1 Action on Revisions to Administrative Regulation:
AR5020 Parent Rights & Responsibilities and Administrative
Regulation: AR5145.3 Nondiscrimination/Harassment*

*Motion to take action on Revisions to Rocklin Unified School
District Administrative Regulation: AR 5020 Parent Rights &
Responsibilities and Administrative Regulation: AR 5145.3
Nondiscrimination/Harassment
Motion by Dereck Counter, second by Tiffany Saathoff.*

Final Resolution: Motion Passes

*Yes: Dereck Counter, Rachelle Price, Tiffany Saathoff, Julie
Hupp*

No: Michelle Sutherland

(This finding is based on the official RUSD website: [View Regulation 5020: Parent Rights And Responsibilities \(eboardsolutions.com\).](#))

APPLICABLE AUTHORITY

California has stated an intent to allow all persons in public schools to be free of discrimination based on characteristics enumerated in California law. Among other such protected characteristics, California expressly prohibits discrimination by public education agencies on the basis of gender, gender identity, gender expression and sexual orientation (*EC* Sections 200 and 220)

APPLICATION OF LAW TO FINDINGS OF FACT

As the *EC*, Section 220 makes clear, the prohibition against discrimination based on gender, gender identity, gender expression, and sexual orientation applies to *all persons* in public schools. Thus, the right to be free from discrimination applies to students. Paragraph 21 (P-21) on its face violates the prohibition against discrimination set forth in *EC* 220 for the reasons set forth below:

Summary of Analysis

The basis for determining that P-21 violates the non-discrimination provisions of *EC* Section 220 is that P-21, in its terms, effectively singles out, applies to and *only* affects a particular group of students defined by legally protected characteristics. The basis for finding noncompliance is discussed in detail below:

Facially discriminatory policy

Paragraph 21 (P-21) on its face fails to comply with the nondiscrimination requirements in *EC* Section 220. Specifically, P-21 requires specified school personnel to single out and report communications made exclusively by students who express a gender other than that identified at birth by:

- 1) requesting to be identified as a gender other than the child's biological sex or gender;
- 2) requesting to use a name or pronouns that do not align with the child's biological sex or gender; or
- 3) requesting 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.

The inherent nature of the communications school personnel are required to report makes such notification applicable *exclusively* to this class of students. That is to say, the nature of the communications subject to P-21 limits the rule's applicability to the students who identify with or express a gender other than that identified at birth. Indeed, the very content of the student communication subject to mandatory notification constitutes a self-identification of the student-speaker as a member of a class of

persons who fall within the statutory protections of *EC* Section 220 relative to non-discrimination. P-21 explicitly requires school personnel to contact parents, who are:

"[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."

Hence, the very content of the communication triggering the policy identifies the student as a person who identifies with or expresses a gender other than that identified at birth—a classification of personal characteristics protected by law. By its terms, the mandates of P-21 harms students by providing sensitive information that is unique to students who would otherwise fall within categories the state has deemed should not be singled out under *EC* Sections 200 and 220.

To further clarify, the policy mandates that sensitive often private information, which is unique to a class of students with protected characteristics, must be disclosed by school administrators even if the student does not consent to the parent disclosure. This policy circumvents a student's determination of when and where to share private personal information regarding gender identification and expression and it is required to be divulged without regard for the nuances of the relationship between the student and parent.

These harms and risks of harm to the students, their constitutional rights of privacy and the protections afforded by California's anti-discrimination policies are significant.

Also bearing on this analysis is the fact that the parental notification mandates of P-21 on their face do not further an educational or school administrative purpose. Nor does the policy imply any such purpose. It simply intervenes in personal student-parent relationship issues for purposes entirely extraneous to the educational needs of the student and the administrative needs of the school. Finally, given the mandatory notification requirements of P-21, students who may otherwise exercise their right to make any of the requests addressed in P-21 are more likely to forego their rights in order to avoid personal and family difficulty.

CONCLUSION

For the reasons discussed above, P-21 on its face fails to comply with *EC* Section 220's prohibitions against discrimination. The CDE finds the District's policy—P-21—*on its face* singles out and is directed exclusively toward one group of students *based on* that group's legally protected characteristics of identifying with or expressing a gender other than that identified at birth. And the application of that policy adversely impacts those students. Finally, P-21 does not expressly or implicitly provide any educational or school administrative purpose justifying either form of discrimination.

CORRECTIVE ACTIONS

The corrective actions addressing the findings of noncompliance are set forth in accordance with Title 5 *CCR* Section 4670.:

Corrective Actions Applicable to RUSD:

Within 5 school days of receipt of this Investigation Report:

1. The Superintendent or the Superintendent's designee must inform all school personnel subject to P-21 in writing that the CDE has determined the policy is inconsistent with *EC* Section 220 and for this reason the mandatory notification requirements set forth in P-21 may not be implemented.
2. The Superintendent or the Superintendent's designee must provide written notification to all students within the District that the mandatory notification requirements of P-21 will not be implemented.

Within 10 school days of receipt of this Investigation Report:

3. The Superintendent or the Superintendent's designee must provide CDE's EEUCPO with evidence of compliance with these corrective actions, which must include copies of the writings referred to in 1 and 2 above.

RIGHT TO RECONSIDERATION

Either party may request a reconsideration of this Investigation Report by making a request within **30 days of the date of this letter** to:

Education Equity Uniform Complaint Procedures Office
eeucpo@cde.ca.gov

Pursuant to Title 5, CCR section 4665, the Request for Reconsideration must specify and explain why:

- (1) Relative to the allegation(s), the Department Investigation Report lacks material findings of fact necessary to reach a conclusion of law on the subject of the complaint, and/or
- (2) The material findings of fact in the Department Investigation Report are not supported by substantial evidence, and/or
- (3) The legal conclusion in the Department Investigation Report is inconsistent with the law, and/or
- (4) In a case in which the CDE found noncompliance, the corrective actions fail to provide a proper remedy.

(Title 5, CCR section 4665 (a).)

APPENDIX A

APPLICABLE LAW

California Education Code (EC) § 200 State Policy; purpose

It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, equal rights, and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

EC Section § 220 Discrimination

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

EC § 33315. Uniform Compliance Complaints

(a) The Superintendent shall establish and implement a system of complaint processing, known as the Uniform Complaint Procedures, for educational programs specified in paragraph (1). The department shall review the regulations set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations pertaining to uniform complaint procedures and, on or before March 31, 2019, shall commence rulemaking proceedings to revise those regulations, as necessary, to conform to all of the following:

(1) The Uniform Complaint Procedures shall apply to all of the following:

. . .

(F) The filing of complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. . . .

Title 5, California Code of Regulations (CCR) § 4650. Basis of Direct State Intervention.

(a) The CDE may at its discretion directly intervene without waiting for an LEA investigation if one or more of the following situations exist:

...

(5) The complainant alleges that the complainant would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this chapter, and that filing a complaint with the LEA would be futile.

Title 5 CCR § 4651. Notification.

(a) When the Department accepts a complaint requesting direct state intervention pursuant to section 4650, it will immediately notify the complainant in writing of the determination. If the complaint is not accepted, it shall be referred to the LEA for local investigation or referred to another agency pursuant to section 4611.

(b) When the CDE declines direct intervention for a complainant who requests anonymity pursuant to section 4650(a)(2), the CDE will not forward the complaint to the LEA pursuant to section 4640 without the complainant's permission.

Title 5 CCR § 4663. Department Investigation Procedures.

(a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint.

(b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.

(c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

(d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Title 5 CCR § 4664. Department Investigation Report.

(a) In cases of direct state intervention, the CDE shall issue a Department Investigation Report. The Department Investigation Report shall include the following:

- (1) A summary of the allegations in the complaint;
- (2) A description of the general procedures of the investigation;
- (3) Citations of applicable law and regulations;
- (4) Department findings of facts;
- (5) Department conclusions;
- (6) Corrective actions for the LEA or other public agency as defined in section 3200, if applicable;
- (7) Time line for corrective actions, if applicable;
- (8) Notice that any party may request reconsideration of the Department Investigation Report from the Superintendent within 30 days of the date of the report;
- (9) For those federal programs for which there is a right to appeal to the United States Secretary of Education, the parties shall be notified of that right.

(b) The CDE must issue a written Department Investigation Report to the complainant within 60 days of receipt of the complaint, unless the parties have agreed to extend the time line or the CDE documents exceptional circumstances and informs the complainant, or the matter has been resolved at the local level or judicially decided.

Title 5 CCR § 4665. Reconsideration of Department Investigation Report.

(a) Within 30 days of the date of the Department Investigation Report, either party may request reconsideration by the Superintendent or the Superintendent's designee. The request for reconsideration shall specify and explain why:

- (1) Relative to the allegation(s), the Department Investigation Report lacks material findings of fact necessary to reach a conclusion of law on the subject of the complaint, and/or
- (2) The material findings of fact in the Department Investigation Report are not supported by substantial evidence, and/or
- (3) The legal conclusion in the Department Investigation Report is inconsistent with the law, and/or

(4) In a case in which the CDE found noncompliance, the corrective actions fail to provide a proper remedy.

(b) In evaluating or deciding on a request for reconsideration, the CDE will not consider any information not previously submitted to the CDE by a party during the investigation unless such information was unknown to the party at time of the investigation and, with due diligence, could not have become known to the party. This prohibition does not prohibit the CDE from seeking and obtaining information from any source necessary to issue an accurate Department Investigation Report.

(c) Within 60 days of the receipt of the request for reconsideration, the Superintendent or the Superintendent's designee shall respond in writing to the parties. Such response may include a denial of the request for reconsideration, or modifications to the Department Investigation Report necessary to ensure factual and legal accuracy. Pending the Superintendent's response to a request for reconsideration, the Department Investigation Report remains in effect and enforceable, unless stayed by a court.

(d) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in division 19 of title 5 of the Code of California Regulations.

(e) For those federal programs for which there is a right to appeal to the United States Secretary of Education, the parties shall be notified of that right.

Title 5 CCR § 4670. Enforcement.

(a) Upon determination that a local agency violated the provisions of this chapter, the Department shall notify the local agency pursuant to sections 4633(g)(3) or 4664(b) that it must take corrective action to come into compliance. If corrective action is not taken, the Department may use any means authorized by law to effect compliance, including, but not limited to:

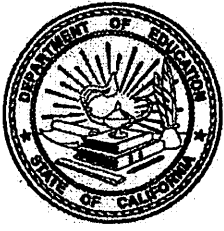
(1) The withholding of all or part of the local agency's relevant state or federal fiscal support in accordance with state or federal statute or regulation;

(2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;

(3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.

(b) No decision to curtail state or federal funding to a local agency under this chapter shall be made until the Department has determined that compliance cannot be secured by other means. . . .

EXHIBIT D



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

March 27, 2024

Via Email

Roger Stock, Superintendent
Rocklin Unified School District
rstock@rocklinusd.org

Matt Murphy, Director, Personnel Services
Rocklin Unified School District
mmurphy@rocklinusd.org

Martin Flowers, Associate Superintendent, Secondary Programs
Rocklin Unified School District
mflowers@rocklinusd.org

Michelle Cannon, Attorney
mcannon@lozanosmith.com

Re: Case Matter 2023-0202; Denial of Request for Reconsideration

Dear Superintendent Stock:

Pursuant to California Code of Regulations, title 5, section 4665, subdivision (c), the California Department of Education (CDE) responds to Rocklin Unified School District's (Rocklin or Rocklin USD) February 29, 2024 request for reconsideration of the CDE's February 1, 2024 Investigation Report. The CDE has thoroughly considered each of Rocklin's legal arguments, and addresses them in turn below.

1. Procedural Due Process

The CDE's finding that the actions of Rocklin USD were facially discriminatory was based on public actions taken by Rocklin's board and discussed in publicly available documents. No additional evidence presented by Rocklin could have altered the public action taken or the conclusion reached by the CDE based upon review of the public information. Therefore, it was not necessary for the CDE to make additional factual inquiries of Rocklin USD, and consequently there is no violation of procedural due process.

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2. Parents' Rights

a. Right to Know

Parental rights are not absolute or unlimited. *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944). Parents do not have a fundamental right to dictate the policies of the public schools that their children attend. *Parents for Privacy v. Barr*, 949 F.3d 1210, 1230, 1232 (9th Cir. 2020); *Fields v. Palmdale School District*, 427 F.3d 1197, 1200 (9th Cir. 2005), *opinion affirmed and amended in part on denial of rehearing*, 447 F.3d 1187 (9th Cir. 2006), *cert. denied*, 127 S. Ct. 725 (2006). Specifically applicable here, parents do not have a fundamental right to be informed of their students' transgender identity at school. *Regino v. Staley*, 2023 WL 4464845 at *3 (E.D. Cal.); *Doe v. Delaware Valley High School Board of Education*, 2024 WL 706797 at *12 (D.N.J.).

Nor do parents have a fundamental right to disclosure of their students' gender identity on the grounds that referring to a student by their chosen name and pronouns at school is "medical care." See *Regino v. Staley*, 2023 WL 4464845 at *3 (rejecting as conclusory the allegation that permitting social transitioning at school constitutes medical treatment). Being transgender itself is not a medical or psychiatric condition. *Grimm v. Gloucester County School Board*, 972 F.3d 586, 594, 612-613 (4th Cir. 2020), *cert. denied*, 141 S. Ct. 2878 (2021); *Doe v. Boyertown Area School District*, 276 F. Supp. 3d 324, 367 (E.D. Penn. 2017), *aff'd*, 897 F.3d 518 (3d Cir 2018), *cert. denied*, 139 S. Ct. 2636 (2019); *Footo v. Town of Ludlow*, 2022 WL 18356421 at *5 (D. Mass.).

Furthermore, there is no law that expressly allows a local educational agency to discriminate against students with a protected characteristic based on a claim of parental rights, and especially when it has not been raised by any parent but rather by an LEA seeking to expand parental rights in a discriminatory manner.

b. Right to Access Records

While parents have the right to access their students' written educational records, 20 U.S.C. § 1232g(b), Rocklin's policy requires disclosure of LGBTQ students' verbal requests related to their LGBTQ status that are not written educational records. See 20 U.S.C. § 1232g(a)(4)(A) (defining "educational records" to include "records, files, documents and other materials."). Furthermore, Rocklin's policy requires disclosure of LGBTQ students' requests related to their LGBTQ status even absent a parent seeking access to their LGBTQ students' written records.

c. Statutory Language

While it is correct that there is no statute explicitly prohibiting disclosure of students' transgender identity to parents without consent, California Education Code section 220 prohibits discrimination based on a protected characteristic. The fact that Rocklin's

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disclosure policy is triggered only when the student requests to be identified at school does not make it any less discriminatory.

A student has a legally protected privacy interest under the California Constitution with respect to information about the student's gender identity. *C.N. v. Wolf*, 410 F. Supp. 2d 894, 903 (C.D. Cal. 2005); see Cal. Const., art. I, § 1. A student retains a reasonable expectation of privacy in their gender identity with respect to non-disclosure to their parents at home, even if open about their gender identity at school. *Nguon v. Wolf*, 517 F. Supp. 2d 1177, 1191 (C. D. Cal. 2006). Federal law protects transgender persons from discrimination based on their gender identity. See *Grabowski v. Arizona Board of Regents*, 69 F.4th 1110, 1113 (9th Cir. 2023) (discrimination on the basis of gender identity is sex discrimination under Title IX); *Bostock v. Clayton County*, 140 S. Ct. 1731, 1747 (2020) (discrimination based on gender identity is sex discrimination under Title VII). State law mirrors federal law in that respect. See Cal. Educ. Code § 220 (recognizing gender identity and gender expression as protected characteristics for purposes of state anti-discrimination laws); see also Cal. Educ. Code § 201(g) (stating legislative intent that Cal. Educ. Code § 220 be interpreted as consistent with Title IX and other anti-discrimination laws).

3. Ongoing litigation

The fact that there is ongoing litigation on this issue does not prevent the CDE from issuing a decision as required by law. Cal. Educ. Code § 33315(a)(5).

4. Conclusion

For the above reasons, the request for reconsideration is denied.

Sincerely,

Direct Investigations Office
Legal, Audits, and Charters Branch
CDEDI@cde.ca.gov
(916) 982-2313

LG:tm

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

ALTERNATIVE DISPUTE RESOLUTION INFORMATION SHEET

Recognizing that many civil disputes can be resolved without the time and expense of traditional civil litigation, the Superior Court of California, County of Placer (Placer County Superior Court), strongly encourages parties in civil cases to explore and pursue the use of Alternative Dispute Resolution. This packet is provided in compliance with California Rules of Court, Rule 3.221.

What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is the general term applied to a wide variety of dispute resolution processes which are alternatives to lawsuits. Types of ADR processes include:

- Arbitration
- Mediation
- Settlement Conferences
- Private judging
- Neutral evaluation
- Mini-trials
- Negotiation and *hybrids* of these processes

All ADR processes offer a partial or complete alternative to traditional court litigation for resolving disputes. At the present time, the Placer County Superior Court offers Mediation and Arbitration.

What are the advantages of using ADR?

ADR can have a number of advantages over traditional court litigation.

- ♦ **ADR can save time.** Even in a complex case, a dispute can often be resolved through ADR in a matter of months or weeks, while a lawsuit can often take years.
- ♦ **ADR can save money.** By producing earlier settlements, ADR can save parties and courts money that might otherwise be spent on litigation costs (attorney's fees and court expenses.)
- ♦ **ADR provides more participation.** Parties have more opportunity with ADR to express their own interests and concerns, while litigation focuses primarily on the parties' legal rights and responsibilities.
- ♦ **ADR provides more control and flexibility.** Parties can choose the ADR process most appropriate for their particular situations and that will best serve their particular needs.
- ♦ **ADR can reduce stress and provide greater satisfaction.** ADR encourages cooperation and communication, while discouraging the adversarial atmosphere found in litigation. Surveys of disputants who have gone through ADR have found that satisfaction with ADR is generally high, especially among those with extensive ADR experience.

Litigants are encouraged to use an ADR process as early in the case as circumstances permit.

Arbitration and Mediation

Although there are many different types of ADR processes, the forms most commonly used to resolve disputes in California state courts are Arbitration and Mediation.

Arbitration

An Arbitrator hears evidence presented by the parties, makes legal rulings, determines facts and makes an Arbitration award. Arbitration awards may be entered as judgments in accordance with the agreement of the parties or, where there is no agreement, in accordance with California statutes. Arbitration can be binding if the parties so agree in writing. If there is no such agreement, either party can reject the Arbitration award and request a trial.

The plaintiff may elect, the parties may stipulate, or the judge may Order the case to Arbitration. If a judge orders a case to arbitration, the court will send a Notice of Appointment and an appropriate Order to Arbitration to all parties. Arbitrations are conducted pursuant to California Rules of Court, rules 3.810 through 3.830, and Local Rules, Chapter 20.1.9. Unless otherwise stipulated, an Award of Arbitrator is not binding upon the parties provided they file a timely Request for Trial De Novo pursuant to California Rules of Court, rule 3.826. Upon the filing of a timely Request for Trial De Novo, the case will proceed to a Trial-Setting Conference. If no timely Request for Trial De Novo is filed, judgment based upon the Award of Arbitrator will be entered pursuant to California Rules of Court, rule 3.827.

Mediation

Mediation is a voluntary, informal, confidential process in which the Mediator, a neutral third party, facilitates settlement negotiations. The Mediator improves communication by and among the parties, helps the parties clarify facts, identify legal issues, explore options and arrive at a mutually acceptable resolution of the dispute.

Parties to a civil action may agree to privately mediate their dispute with a Mediator of their choice without court assistance. The cost of Mediation must be borne by the parties equally unless the parties agree otherwise. Parties will be charged an amount set by the Mediator.

Notice Requirements

Upon filing a complaint or cross-complaint, the plaintiff/cross-complainant must acquire this ADR Information Sheet from the Court Website, <http://www.placer.courts.ca.gov/>, or the Superior Court Clerk. **Plaintiff is required to include the ADR Information Sheet when he or she serves the Complaint on the Defendant.**

Parties must indicate the types of ADR process(es) the parties are willing to or have participated in on the *Case Management Statement (Form CM-110)* prior to the Case Management Conference.

Additional Information

For more information on the specific ADR programs of the Placer Superior Court, please review the Local Rules of the Placer County Superior Court, available at all court locations and on-line at www.placer.courts.ca.gov.