

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

JULIET EVANCHO; ELISSA RIDENOUR;
and A.S., a minor, by and through his parent
and next friend, [REDACTED],

Plaintiffs,

v.

PINE-RICHLAND SCHOOL DISTRICT;
DR. BRIAN R. MILLER, in his official
capacity as Superintendent of the Pine-
Richland School District; and NANCY
BOWMAN, in her official capacity as
Principal of Pine-Richland High School,

Defendants.

Civil Action No. _____

COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND OTHER RELIEF

Plaintiffs JULIET EVANCHO, ELISSA RIDENOUR, and A.S., a minor, by and through his parent and next friend [REDACTED], and by and through their attorneys, file this Complaint for Declaratory, Injunctive, and Other Relief against Defendants PINE-RICHLAND SCHOOL DISTRICT; DR. BRIAN R. MILLER, in his official capacity as Superintendent of the Pine-Richland School District; and NANCY BOWMAN, in her official capacity as Principal of Pine-Richland High School. Plaintiffs state and allege as follows:

INTRODUCTION

1. Plaintiffs Juliet Evancho, Elissa Ridenour, and A.S. are seniors at Pine-Richland High School in Gibsonia, Pennsylvania.

2. For several years prior to September 12, 2016, the Pine-Richland School District (“PRSD”) had a practice of permitting students to use restrooms in accordance with their gender

identity. In so doing, PRSD respected the identity of all its students, including Plaintiffs.

3. On September 12, 2016, after months of vitriolic debate and weeks after classes started for the 2016-2017 school year, the Board of School Directors of Pine-Richland School District (the “School Board”) passed a resolution barring Plaintiffs and other transgender students from using the restrooms that matched a student’s gender identity in a 5-4 vote. On September 13, 2016, PRSD, Superintendent Miller, and Principal Bowman implemented the policy set forth by the School Board in the resolution. As a result, Plaintiffs now must choose between using restrooms and other sex-designated facilities that are not in accordance with their gender identity, using single-stall restrooms no other students are *forced* to use, or avoiding using the restroom altogether.

4. Defendants’ actions violate Plaintiffs’ civil rights by depriving them of full and equal access and enjoyment of PRSD’s educational programs, activities, and opportunities on the basis of their sex. Defendants have diminished Plaintiffs’ dignity, stigmatized Plaintiffs, attempted to erase their identities, and isolated them from the rest of the Pine-Richland student body.

5. Defendants are unlawfully discriminating against Plaintiffs on the basis of sex in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*, and on the basis of sex and transgender status in violation of the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

6. Plaintiffs seek a declaratory judgment, preliminary and permanent injunctive relief, and damages resulting from Defendants’ discriminatory actions.

JURISDICTION AND VENUE

7. This action arises under 42 U.S.C. § 1983 to redress the deprivation under color of state law of rights secured by the United States Constitution and under Title IX of the Education

Amendments of 1972, 20 U.S.C. § 1681, *et seq.* (“Title IX”).

8. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under laws of the United States and the United States Constitution.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2) because Defendant Pine-Richland School District is situated within the Western District of Pennsylvania and all Defendants reside within the Commonwealth of Pennsylvania and because a substantial part of the events that gave rise to the Plaintiffs’ claims took place within the Western District of Pennsylvania.

10. This Court has the authority to enter a declaratory judgment and to provide preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, and 28 U.S.C. §§ 2201 and 2202.

11. This Court has personal jurisdiction over Defendants because they are domiciled in Pennsylvania.

PARTIES

A. The Plaintiffs

12. Plaintiff Juliet Evancho is an 18-year-old girl. She is a student who began her senior year at Pine-Richland High School, a public high school in the Pine-Richland School District, on August 24, 2016. She resides in Allegheny County, Pennsylvania. She is transgender.

13. Plaintiff Elissa Ridenour is an 18-year-old girl. She is a student who began her senior year at Pine-Richland High School, a public high school in the Pine-Richland School District, on August 24, 2016. She resides in Allegheny County, Pennsylvania. She is transgender. Although Plaintiff Elissa Ridenour’s legal name is Erik Ridenour, she is known by and uses the

name Elissa Ridenour in accordance with her female gender identity. Accordingly, this Complaint refers to Plaintiff as Elissa and uses female pronouns to refer to her.

14. Plaintiff A.S. is a 17-year-old boy. He is a student who began his senior year at Pine-Richland High School, a public high school in the Pine-Richland School District, on August 24, 2016. He resides in Allegheny County, Pennsylvania. He is transgender. Because A.S. is a minor, this action is brought on his behalf by and through his parent and next friend [REDACTED].

B. The Defendants

15. Defendant Pine-Richland School District (“PRSD”) is a public school district serving over 4,600 students in kindergarten through 12th grade who reside in the Pine and Richland townships. It is organized under the laws and constitution of the Commonwealth of Pennsylvania. PRSD operates four elementary schools, Pine-Richland Middle School, and Pine-Richland High School. PRSD is governed by the Board of School Directors of Pine-Richland School District (the “School Board”), a nine-member elected body that sets policy for PRSD and delegates responsibility for the administration of PRSD to its Superintendent of Schools, who oversees a number of district-level administrators.

16. Defendant Superintendent Brian R. Miller is the current Superintendent of PRSD and is sued in his official capacity. At all times relevant to the events described herein, Superintendent Miller acted within the scope of his employment as an employee, agent, and representative of the School Board. In such capacity, he implemented the newly-adopted discriminatory policy and practice described herein at the direction of, and with the consent, encouragement, knowledge, and ratification of the School Board; under the School Board’s authority, control, and supervision; and with the actual or apparent authority of the School Board.

Upon information and belief, Superintendent Miller has final policymaking authority for PRSD in circumstances not otherwise provided for in the School District Bylaws and Policies.

17. Defendant Principal Nancy Bowman is the current Principal of Pine-Richland High School and is sued in her official capacity. At all relevant times relevant herein, Principal Bowman acted within the scope of her employment as an employee, agent, and representative of the School Board. In such capacity, she implemented at Pine-Richland High School the newly-adopted discriminatory policy and practice described herein at the direction of, and with the consent, encouragement, knowledge, and ratification of the School Board; under the School Board's authority, control, and supervision; and with the actual or apparent authority of the School Board. Upon information and belief, Principal Bowman has final policymaking authority for Pine-Richland High School with respect to the day-to-day enforcement of PRSD's policies, including disciplinary policies and the newly-adopted discriminatory policy and practice described herein at Pine-Richland High School.

STATEMENT OF FACTS

Plaintiff Juliet Evancho

18. Born and raised in the Pittsburgh area, Plaintiff Juliet Evancho first became a student at PRSD's schools in kindergarten. On August 24, 2016, she began her senior year at Pine-Richland High School.

19. Juliet is the oldest of four children in her family. She loves to write music and sing. Her favorite subject in school is Art.

20. After finishing high school, Juliet wants to spend a year educating people about transgender issues. She then hopes to attend college and ultimately become a cosmetologist or model.

21. Juliet was designated “male” on her birth certificate and lived as a boy until she recognized that she is, in fact, a girl. Throughout her childhood and adolescence, she experienced profound discomfort with being assumed to be a boy by others.

22. Ever since she was a young child, Juliet was interested in toys and activities that would stereotypically be associated with girls. Juliet played dress-up with her sister, loved Barbie dolls, and occasionally would raid her mom’s makeup kits. One Christmas, Juliet got very upset when her sister received a Barbie dollhouse and she received a remote-controlled truck.

23. When Juliet was a child, her parents noticed that even though she had been assigned the sex of male at birth, she had little interest in activities or toys that would stereotypically be associated with boys.

24. Around the time she was 6 or 7 years of age, Juliet spoke with her mom about the distress she felt. She explained that she didn’t think she was gay, but rather that there was more to it. Juliet knew and felt that she was a girl.

25. Juliet and her parents then consulted her doctor at the time, who said that because as a child she was not insisting on being called a name stereotypically associated with girls, like “Mary,” she would grow out of it.

26. After this unsuccessful consultation with the doctor, Juliet continued to suppress her internal sense of self. Juliet played little league baseball and joined cub scouts, but deep down Juliet continued to be distressed by living a life that did not conform with who she was.

27. Juliet’s distress and discomfort continued. By the time she was 11 years old, and knowing she was a girl, Juliet would sometimes look at herself in the mirror and say to herself, “I am a girl trapped in a boy’s body.”

28. In 2010, at around the same time Juliet was coming to terms with her gender

identity, her sister made her successful debut as a singer on a nationally televised competition. With Juliet's sister's newfound fame, the media directed its attention to Juliet's family which made things more difficult for Juliet. Juliet began to worry not only about what her family would think of her, but also about how others would perceive her and whether those perceptions would hurt her family.

29. A year or so later, when she was 12 or 13 years old, Juliet decided to make a change in her physical appearance by allowing her hair to grow longer.

30. Because Juliet also enjoyed singing, Juliet did a duet with her sister for her sister's album. The track, which was featured in a movie, had a female and a male part. Juliet sang the male part, which caused her distress. She considered this to be a huge step backward because everyone who listened to the song heard a boy, but Juliet knew she was a girl.

31. A pivotal moment for Juliet occurred when Juliet and her sister recorded a television special to accompany her sister's album. By then Juliet's hair was longer, but at an awkward length. The makeup artist assisting Juliet decided to give her a trim, even though Juliet considered her longer hair to be the best representation of who she really was. Juliet did her best not to cry.

32. After the show aired, Juliet began telling the people closest to her that she was transgender. Juliet first told her mom, who already suspected it. Juliet's mom smiled at Juliet, hugged her, told her she loved her, and said she would always be there for her. Juliet then told her sister, who also was not surprised and was supportive. Though Juliet's sister expressed how happy she was that Juliet had accepted her true self, she was terrified about the potential ridicule and discrimination Juliet would face. Finally, Juliet told her dad. Though Juliet noticed that her dad seemed to have a sense of loss, he also was supportive. After telling her dad, Juliet then told her

younger siblings and her friends.

33. Even though she had her family's support, Juliet continued to feel like an outsider, that she did not fit into society, and ultimately became depressed. Together with her family, Juliet and her parents decided to seek professional help. For the next two years, Juliet went to a therapist. In the end, the therapist confirmed what Juliet already knew—that Juliet is a girl.

34. Juliet then began to undertake gender transition under the guidance and care of therapists and medical doctors.

35. Though Juliet was free to be her true self at home—Juliet would wear girls' clothes and a wig around the house—it was not enough to address Juliet's depression and distress. Because she was assigned the sex of male at birth, the rest of the world still saw Juliet as a boy even though every time she looked in the mirror, she saw a girl.

36. In 2015, Juliet and her family, in consultation with Juliet's therapists, decided that Juliet needed to live as her true self, a girl, not only in private, but also in public.

37. In the summer of 2015, around her 17th birthday, Juliet told members of her extended family that she was transgender. All of her family expressed how much they loved her.

38. Before the start of the 2015-2016 academic year, Juliet and her parents met with PRSD and Pine-Richland High School administrators and personnel to discuss Juliet's transition in school. The PRSD and Pine-Richland High School administrators and personnel agreed to treat Juliet as the girl she is in all respects, including referring to Juliet by female pronouns and providing access to the girls' restroom and other female-designated spaces.

39. A few days after that, Juliet began to go out in public as a girl.

40. To live openly is something Juliet waited for a long time. Before she was able to live openly as a girl, Juliet felt like she was walking on shards of glass and was really afraid of

taking a step because she didn't want to get hurt.

41. Since Juliet's transition at school, she has been widely known and accepted as a girl by the school community.

42. While a few students mocked or bullied Juliet, and her siblings also witnessed some of the mockery and ridicule, Juliet felt mostly welcome and respected at PRSD and Pine-Richland High School, which she believed to be a good, supportive, and kind place that was a reasonably safe haven for transgender students.

Plaintiff Elissa Ridenour

43. Born and raised in the Pittsburgh area, Plaintiff Elissa Ridenour has been a student in PRSD's schools since kindergarten. On August 24, 2016, she began her senior year at Pine-Richland High School.

44. Elissa is the older of two children in her family. Elissa likes acting, theatre, and songwriting. Her favorite subjects in school are English, Anatomy, and Physiology.

45. After she graduates from high school, Elissa plans to attend college. She wants to become a doctor.

46. Ever since she was a young child, even though she was assigned the sex of male at birth, Elissa felt like she was a girl. As result, for a long time, she felt nervous and disoriented, because, as a girl, living as a boy felt wrong.

47. As a child, when she was 12 or 13 years of age, Elissa would, in the privacy of her room, dress in clothes stereotypically associated with girls. On one occasion, around the time she was 13 years of age, Elissa was caught by her father. She became very upset and ran out of the house and into the woods near her family's home.

48. Concerned about their daughter, Elissa's parents had many conversations about

how to support their daughter and address her distress and discomfort.

49. After many discussions, around the time she was 13 years old, Elissa and her parents jointly decided to seek help from a therapist.

50. Elissa then began to undertake her gender transition under the guidance and care of therapists and medical doctors.

51. Elissa and her parents also sought information, support, and services from PERSAD Center, a community-based service organization whose mission it is to improve the well-being of the LGBTQ (lesbian, gay bisexual, transgender, queer and questioning) communities, and the HIV/AIDS communities, with a service centers in Pittsburgh.

52. At the age of 14, Elissa began living as her true self, a girl.

53. During the 2012-2013 academic year, when Elissa was in the eighth grade at Pine-Richland Middle School, she and her parents met with PRSD administrators and personnel to discuss Elissa's transition in school. The PRSD administrators and personnel agreed to treat Elissa as the girl she is in all respects.

54. In the fall of 2013, her freshman year, Elissa began her tenure as a high school student at Pine-Richland High School. Throughout her entire tenure at Pine-Richland High School was widely known and accepted as a girl by the school community. She was referred to by female pronouns and had access to girls' restroom and other female-designated spaces.

55. Indeed, until September 13, 2016, Elissa always used the girls' restrooms at Pine-Richland High School.

56. While there was some mocking behind her back (Elissa's brother tended to receive the brunt of it), Elissa mostly felt welcome and respected at PRSD and Pine-Richland High School.

57. Before the discriminatory acts by Defendants described herein, Elissa considered

PRSD and Pine-Richland High School to be very accepting and welcoming.

Plaintiff A.S.

58. Plaintiff A.S. has been a student in PRSD's schools since kindergarten. On August 24, 2016, he began his senior year at Pine-Richland High School.

59. A.S. is the older of two children in his family. A.S. plays the violin, and likes art, music, skating, and video games. A.S.'s favorite subjects are Art and Science. Among his favorite classes are environmental science, AP Psychology, and AP Art History.

60. After graduating high school, A.S. would like to attend college and study abroad in Europe. A.S. wants to study animation and/or political science.

61. A.S. was designated "female" on his birth certificate and lived as a girl until he recognized that he is, in fact, a boy. Throughout his childhood and adolescence, A.S. experienced profound discomfort with being assumed to be a girl by others.

62. By the age of 16, A.S. was questioning his identity. He knew he was a boy, but had been designated as female at birth. A.S. avoided using the girls' restroom and female-designated spaces at school. Indeed, he avoided using the restrooms altogether as much as possible.

63. In late August 2014, his sophomore year, A.S. began to transition socially at school. He told his friends that he is transgender and that he is a boy. His friends were supportive.

64. In the spring of 2015, towards the end of the school year, A.S. also spoke with his guidance counselor and informed her that he wanted to be referred by his preferred name, which was stereotypically-male and consistent with his gender identity, and to be treated as a boy.

65. Around the same time, in late spring 2015, although A.S. was sure of his gender identity, A.S. told his mom that he was questioning his gender identity and asked to see a therapist.

66. After discussing with his therapist both his gender identity and how to explain it to

his parents, A.S. told his mom that he is a boy and that he is transgender. A.S.'s mom then told his dad about A.S. being a boy and transgender. A.S. parents and sibling have been supportive.

67. After disclosing his gender identity to his friends, family, and guidance counselor, A.S. was excited about starting his junior year as a boy in all respects.

68. When he spoke to his guidance counselor in late spring 2015 A.S. was assured that by his guidance counselor that she would make sure before the start of the 2015-2016 school year that teachers were aware to address him by his male name.

69. Nonetheless, the beginning of junior year did not start as A.S. expected. A.S. was repeatedly misgendered and called the wrong name by teachers, and was forced to speak with each of his teachers individually about his gender identity.

70. A.S. talked to his guidance counselor wondering why he was not called by his preferred name by his teachers, which prompted the guidance counselor to email A.S.'s mother to inquire about the use of A.S.'s correct name. A.S.'s mom confirmed A.S.'s correct name and that the school should be treating him as a boy.

71. A.S. spent his junior year adjusting to life as a boy.

72. However, in the fall of 2015, as a result, in part, of the repeated misgendering incidents as well as the transphobic epithets and harassment he received by a friend's family, A.S. was admitted to a crisis center causing him to miss a week of school.

73. Yet, despite the rocky start to his public transition, A.S. adjusted to life in school, in part, because he felt comfortable and safe at Pine-Richland High School and had not faced transphobic harassment and bullying at school.

74. During the second half of his junior year, A.S. began using the boys' restrooms, which he did without incident until PRSD implemented its newly-adopted discriminatory policy

and practice.

75. On or about April 2016, A.S. also began working with the therapists and medical doctors as he undertook his gender transition.

76. Since A.S.'s transition at school, he has been widely known and accepted as a boy by the school community.

Sex, Gender Identity, and Gender Dysphoria

77. As previously alleged, all three Plaintiff students are transgender.

78. A person's sex is determined by multiple factors, including hormones, external and internal morphological features, external and internal reproductive organs, chromosomes, and gender identity. These factors may not always be in alignment.

79. The phrase "sex assigned at birth" refers to the sex recorded on a person's birth certificate at the time of birth. Typically, individuals are assigned a sex on their birth certificate solely on the basis of the appearance of external genitalia at the time of birth. Additional determinants of a person's sex (such as a person's chromosomal makeup, for example) are typically not assessed or considered at the time of birth.

80. Gender identity—a person's internal sense of their own gender—is the primary factor in determining a person's sex. Every person has a gender identity. There is a medical consensus that gender identity is innate and that efforts to change a person's gender identity are unethical and harmful to a person's health and well-being.

81. Although there is not yet one definitive explanation for what determines gender identity, biological factors, most notably sexual differentiation in the brain, have a role in gender identity development.

82. Because gender identity is the primary factor in establishing a person's sex and

external genitalia are but one of a number of factors that make up a person's sex, external genitalia are not always determinative of a person's sex.

83. Transgender individuals are people whose gender identity diverges from the sex they were assigned at birth. A transgender boy's sex is male and a transgender girl's sex is female.

84. Cisgender individuals are people whose gender identity aligns with the sex they were assigned at birth. A cisgender boy's sex is male and a cisgender girl's sex is female.

85. Though gender identity is often established in early childhood, a transgender person may begin to assert a gender identity inconsistent with their sex assigned at birth at any time from early childhood through adulthood. A transgender person's decision to assert their gender identity publicly is a deeply personal one. Often, though not always, such a decision is made in consultation with family, medical and health care providers, and others.

86. Gender identity and transgender status are therefore inextricably linked to one's sex and are sex-related characteristics.

87. Gender dysphoria is a serious medical condition recognized in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Ed. (2013) (DSM-V), and by the other leading medical and mental health professional groups, including the American Medical Association and the American Psychological Association.

88. Gender dysphoria refers to clinically significant distress that can result when a person's gender identity differs from the person's sex assigned at birth. If left untreated, gender dysphoria may result in psychological distress, anxiety, depression, and even self-harm or suicidal ideation.

89. Medical treatment for gender dysphoria must be individualized and tailored to the medical needs of each patient.

90. Treatment of gender dysphoria is usually provided pursuant to the Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People (“Standards of Care”), published by the World Professional Association of Transgender Health (“WPATH”).

91. Treatment for gender dysphoria typically includes a “social transition” during which transgender individuals live in accordance with their gender identity in all aspects of life, including the use of sex-designated facilities that correspond to that gender. Social transition can often be the most important and only aspect of transition for a transgender person.

92. Social transitioning requires that a transgender girl be recognized as a girl and treated the same as all other girls by parents, teachers, classmates and other in the community. It also requires that a transgender boy be recognized as a boy and treated the same as all other boys by parents, teachers, classmates and other in the community. This includes being permitted to use restrooms and other sex-designated facilities on the same footing as other students of the same gender.

93. Forcing a transgender student to use sex-designated spaces that do not match the student’s gender identity is inconsistent with medical protocols and can cause anxiety and distress to the transgender student and result in harassment of and violence against them. It also frequently leads transgender students to avoid using school restrooms altogether, often resulting in adverse physical consequences, like for example, urinary tract infections.

The School Board and PRSD Adopt New and Discriminatory Rules Governing the Use of Restrooms.

94. As the experiences of Juliet, Elissa, and A.S. confirm, PRSD provided transgender students with access to restrooms and other sex-designated facilities that matched their gender identity for several years without incident.

95. Indeed, Superintendent Miller confirmed as much when he emailed parents and

guardians of PRSD students on March 11, 2016.

96. In his email dated March 11, 2016, Superintendent Miller noted that there were transgender students at Pine-Richland and that PRSD had not previously communicated about this topic based on the strong desire to maintain the confidentiality of individual students.

97. Superintendent Miller's email went on to define the terms transgender, gender identity, and gender expression, and noted that the United States Department of Education ("ED") Office of Civil Rights ("OCR") had "taken a consistent stance that gender identity and expression are included in the[] terms [sex or gender] under Title IX that prohibits sex discrimination in schools."

98. In his email, Superintendent Miller identified PRSD's longstanding inclusive practice with respect to restrooms: "In our high school, transgender students have been able to use a private bathroom, such as the nurse's office, a single room unisex bathroom, or the bathroom of their gender identity. This has occurred for several years. To date, we are not aware of any inappropriate actions on the part of any student. The option also exists for any student to use a single stall bathroom."

99. Around that same time, however, some parents and a group that advocates against the rights of transgender students began communicating with the School Board and the School Board began discussing PRSD's longstanding inclusive practice.

100. Following Superintendent Miller's email, opponents of PRSD's longstanding inclusive practice established a website (www.prparents.org) to assist in their efforts to pressure the School Board to reverse PRSD's that practice and to bar transgender students from the restrooms and other sex-designated facilities that match their gender identity.

101. On or about March 14, 2016, Principal Bowman made an announcement through

the school's public address system to the Pine-Richland High School community that all students had the option to use single-stall, unisex bathrooms, should they wish to do so or simply want more privacy in the bathroom.

102. On or about March 15, 2016, Principal Bowman made a clarifying announcement to the Pine-Richland High School community, again through the public address system, that transgender students have been able to use bathrooms matching their gender identity or single-stall bathrooms, and that would continue. Principal Bowman then stated once again that any student had the option to use unisex single-stall bathrooms, should they wish to do so.

103. On March 21, 2016, School Board President Jeffrey Banyas began the School Board's meeting by addressing the use of restrooms by transgender students. Mr. Banyas noted Superintendent Miller's email to the PRSD community and stated that the legal environment regarding the issue was unsettled.

104. In his statement, Mr. Banyas announced that the School Board's Student Services Committee would be discussing the issue and that it was the School Board's goal to maintain civil discourse and encourage different points of view.

105. Mr. Banyas's statement on March 21, 2016 marked the beginning of a six-month, at times vitriolic, debate about the rights of Plaintiffs and other transgender students to use the restrooms and other sex-designated facilities that match their gender identity. Following Mr. Banyas's statement, the School Board proceeded to its Recognition of Visitors, where members of the community can address the School Board.

106. The School Board, in whole or in part, publicly discussed and heard testimony regarding the use by Plaintiffs and other transgender students of sex-designated facilities that match their gender identity at meetings conducted on numerous dates, including March 7 and 21,

2016; April 4, 18, and 21, 2016; May 2, 10, 16, and 23, 2016; June 6, 13, and 20, 2016; July 6 and 11, 2016; August 8 and 22, 2016; and September 12, 2016.

107. During these dates, the School Board considered a number of proposals, including: (1) the adoption of an “Opt-In Form,” wherein the legal guardians for each student would be asked to give their affirmative consent for their “child to use the restroom, locker rooms, showers, and sleep in overnight accommodations with members of the opposite biological sex”; (2) the adoption of a resolution affirming PRSD’s longstanding inclusive practice; and the adoption of Resolution 2, which would bar Plaintiffs and other transgender students from accessing and using the restrooms and other sex-designated facilities that match their gender identity.

108. Resolution 2 read, in whole:

This resolution agreed to by a majority of the Board of Directors of the Pine-Richland School District indicates our support to return to the long-standing practice of providing sex specific facility usage. All students will have the choice of using either the facilities that correspond to their biological sex or unisex facilities. This practice will remain in place until such time that a policy may be developed and approved.

109. As the School Board debated the use of restrooms by Plaintiffs and other transgender students, Plaintiffs were subjected to a discourse wherein they were regularly misgendered, compared to predators, and subjected to statements that demeaned their gender identity.

110. For example, opponents of PRSD’s longstanding inclusive practice made comments wherein, *inter alia*, they: (1) wondered why the PRSD community was not informed of the presence of transgender students or of PRSD’s longstanding inclusive practice of allowing transgender students to use the sex-designated facilities that match their gender identity; (2) compared Pine-Richland to a “twilight zone” where administrators were replaced with “activists”; (3) incorrectly stated that boys were being provided access to girls’ facilities; (4) repeatedly

referred to transgender girls as boys; and (5) compared transgender people to a person thinking “I’m seven feet tall and this qualifies me for the basketball team” and “if I wear a sombrero and a poncho, does it make me a Mexican?”

111. To be sure, PRSD students and alumni spoke in favor of PRSD’s longstanding inclusive practice, and some wore t-shirts that read, “Pine-Richland Does Not Discriminate,” in support of transgender students and PRSD’s longstanding inclusive practice.

112. For example, all of the students who spoke during the School Board’s April 18, 2016 meeting spoke in support of PRSD’s longstanding inclusive practice and urged the School Board not to take actions that would isolate, segregate, or discriminate against transgender students.

113. Among the students who spoke was then-senior Hannah Reiling. Ms. Reiling spoke about how the debate before the School Board amounted to an overreaction to a problem that did not exist. Ms. Reiling then made clear that the majority of the students do not have objections to the use by transgender students of the restrooms that match their gender identity.

114. Another student, then-senior Elizabeth Hassett, spoke about how the current debate before the School Board was perpetuating bullying within the school environment.

115. Throughout the entire process, the School Board was made aware of the need for access to restrooms and other sex-designated facilities that match a transgender student’s gender identity as part of their social transitioning and, in some cases, treatment of gender dysphoria.

116. For example, on March 18, 2016, Plaintiffs’ legal representatives sent correspondence to Defendants wherein they explained how discriminatory restroom policies (1) stigmatize and ostracize transgender students; (2) can contribute to lower self-esteem and serious mental health conditions, such as depression and suicidal inclinations; and (3) interfere with

medically necessary treatment for gender dysphoria.

117. Plaintiffs Juliet and Elissa testified before the School Board on several occasions, as did their parents.

118. For example, Juliet, who identified herself as one of the targets of the efforts by the opponents of PRSD's longstanding inclusive practice, expressed her desire to learn and be treated as a human being in a safe environment. Juliet noted how she expresses, dresses, and feels like a woman, because she was born a woman.

119. Plaintiff Elissa explained how transgender students simply use the bathroom that matches their gender identity, just as cisgender persons do.

120. On April 18, 2016, the School Board's Student Services Committee held an "Informational Meeting about Transgender Youth" with experts from Children's Hospital of Pittsburgh of UPMC ("Pittsburgh Children's Hospital"), who provided background knowledge about transgender youth from medical, social, and psychological perspectives.

121. At the meeting, the School Board and PRSD community were provided with a presentation by Dr. Michael P. Marshal, a clinical psychologist at Pittsburgh Children's Hospital; Dr. Selma Feldman Witchel, an endocrinologist at Pittsburgh Children's Hospital; and Dr. Elizabeth Miller, a pediatrician and the Chief of the Division of Adolescent and Young Adult Medicine at Pittsburgh Children's Hospital.

122. During their presentation, and after providing some background information on gender identity and gender dysphoria, the Pittsburgh Children's Hospital experts explained that a milestone of social transitioning is support and acceptance from one's social network, which has a positive impact on emotional health and well-being.

123. The Pittsburgh Children's Hospital experts noted, *inter alia*, that: gender identity is

not a choice or changeable; transgender identity is not a disorder; transgender identities are often stable and begin at a young age; and that so-called “reparative” therapies to alter gender do not work and can cause harm.

124. The Pittsburgh Children’s Hospital experts also noted that some of the major health challenges faced by transgender youth are, *inter alia*, a lack of acceptance of their gender identity by family, peers, and schools; not being allowed to express their true gender identity; and bullying and victimization from peers, caregivers, and others.

125. Following the presentation, the Pittsburgh Children’s Hospital experts answered questions from School Board members.

126. Defendants were not only made aware of the importance of maintaining access for transgender students to restrooms and other sex-designated facilities that match their gender identity, but also of their legal responsibilities under state and federal law to maintain such access.

127. For example, on March 18, 2016 and five other subsequent occasions, Plaintiffs sent Defendants correspondence outlining Defendants’ legal responsibility to respect the gender identity of all its students and to not discriminate against students on the basis of gender identity or expression, including with regards to using sex-specific restrooms and other facilities consistent in conformance with a student’s gender identity.

128. On May 13, 2016, ED and the United States Department of Justice (“DOJ”) issued a joint guidance letter to all public schools, colleges, and universities in the country receiving federal financial assistance, reiterating the federal government’s previously stated position that, pursuant to Title IX, all public schools are obligated to treat transgender students consistent with their gender identity in all respects, including regarding name and pronoun usage, restroom access, and overnight accommodations.

129. In their joint guidance, ED and DOJ clarified that Title IX’s prohibition on sex discrimination “encompasses discrimination based on a student’s gender identity, including discrimination based on a student’s transgender status.” The guidance by ED and DOJ also specified that “[a] school may provide separate facilities on the basis of sex, but must allow transgender students access to such facilities consistent with their gender identity.”

130. In announcing the joint guidance, United States Attorney General Loretta Lynch stated, “There is no room in our schools for discrimination of any kind, including discrimination against transgender students on the basis of their sex. This guidance gives administrators, teachers, and parents the tools they need to protect transgender students from peer harassment and to identify and address unjust school policies.”

131. Plaintiffs’ legal representatives sent Defendants a copy of the joint guidance on May 16, 2016.

132. In addition, PRSD’s School Solicitor Patrick Clair made Defendants aware of the potential of legal liability for Defendants under Title IX and the United States Constitution should Defendants override PRSD’s longstanding inclusive practice.

133. For example, on July 11, 2016, the School Board discussed at its meeting the possible effects and merits of Resolution 2, including the possible loss of \$1,400,000.00 in federal financial assistance.

134. Upon questioning from a School Board member, School Solicitor Clair explained that simply foregoing the \$1,400,000.00 in federal financial assistance through direct grants to PRSD would not necessarily release PRSD from Title IX liability because the Department of Education for the Commonwealth of Pennsylvania, which is the primary funder of PRSD, also receives federal funds. School Solicitor Clair explained that even if PRSD could escape Title IX

liability, PRSD could still nonetheless be liable, on equal protection grounds, should it override PRSD's longstanding inclusive practice. School Solicitor Clair also explained that the joint guidance from ED and DOJ applied to PRSD, rested upon Title IX's statutory text, and was based on numerous cases supporting ED's and DOJ's interpretation of Title IX.

135. Some School Board members, it appears, were not dissuaded even after learning of the consequences, effects, and impact of adopting a policy that would override PRSD's longstanding exclusive practice.

136. For example, after the School Board agreed to have the Informational Meeting on Transgender Youth but before it had taken place, School Board member Therese Dawson pushed for the adoption of the "Opt-In Form," a move that was supported by School Board members Greg DiTullio and Holly Johnston.

137. After the School Board agreed to hold a series of public meetings to discuss the topic of access to restrooms by transgender students, but before these meetings were concluded, School Board member Greg DiTullio moved for the adoption of Resolution 2, a move that was supported by School Board members Dawson and Johnston.

138. Nearly six months after the beginning of the debate surrounding the use of restrooms by Plaintiffs and other transgender students, the School Board still had not adopted a policy regarding the use of restrooms by transgender students and, on August 24, 2016, classes started at PRSD schools and Pine-Richland High School with PRSD's longstanding inclusive practice still in place.

139. On September 12, 2016, the School Board held its monthly Planning Meeting, where the School Board once again debated the adoption of Resolution 2.

140. When asked by a School Board member what his and the PRSD administrators'

position was regarding Resolution 2, Superintendent Miller indicated that, in his professional and individual opinion, it is difficult for him to recommend action that runs counter to the Title IX guidance from OCR.

141. Nevertheless, after discussion, the motion to adopt Resolution 2 passed on a 5-4 vote.

142. On September 13, 2016, PRSD, Superintendent Miller, and Principal Bowman immediately implemented Resolution 2 by barring transgender students from using the restrooms and other sex-designated spaces that matched their gender identity, and by mandating that transgender students utilize the restrooms that do not conform with their gender identity or use single-stall unisex restrooms (hereinafter “PRSD’s newly-adopted discriminatory policy and practice”).

143. That same day, Principal Bowman contacted Plaintiffs’ parents to request meetings with them regarding the implementation of Resolution 2.

144. On September 13, 2016, Plaintiff Juliet Evancho, Juliet’s sister and Juliet’s parents met with Principal Bowman, Assistant Superintendent Michael Pasquinelli, and Juliet’s guidance counselor.

145. During the meeting, Principal Bowman and Assistant Superintendent Pasquinelli made clear that Juliet would have to use male-designated restrooms or be relegated to the use of single-stall unisex restrooms.

146. On September 13, 2016, Plaintiff Elissa Ridenour and her parents met with Principal Bowman, Assistant Superintendent Michael Pasquinelli, and Elissa’s guidance counselor.

147. During the meeting, Principal Bowman and Assistant Superintendent Pasquinelli

made clear that Elissa would have to use male-designated restrooms or be relegated to the use of single-stall unisex restrooms.

148. On September 14, 2016, School Solicitor Clair confirmed that the “proscription of use of restrooms based on gender identity” set forth in Resolution 2 and PRSD’s newly-adopted discriminatory policy and practice was “in effect.” School Solicitor Clair also further confirmed that Plaintiffs and other PRSD transgender students would be disciplined should they use the restrooms that match their gender identity, contrary to the ED and DOJ May 13, 2016 guidance, Title IX, and the opinion of the Pittsburgh Children’s Hospital experts consulted by PRSD and the School Board. Specifically, School Solicitor Clair indicated that, “Should there be a violation of the rule embodied in Resolution 2, the Administration would respond in accordance with its usual disciplinary processes and sequences.”

149. On September 19, 2016, Plaintiff A.S. and his mom met with Principal Bowman, Assistant Superintendent Michael Pasquinelli, and A.S.’s guidance counselor.

150. During the meeting, Principal Bowman and Assistant Superintendent Pasquinelli made clear that A.S. would have to use female-designated restrooms or be relegated to the use of single-stall unisex restrooms.

151. To date, Resolution 2 and PRSD’s newly-adopted discriminatory policy and practice is still in effect and Plaintiffs and other PRSD transgender students are barred from using the restrooms and other sex-designated facilities that match their gender identity, even though cisgender students are still provided with access to restrooms and other sex-designated facilities that match their gender identity

The Effect of Resolution 2 and PRSD’s Newly-Adopted Discriminatory Policy and Practice on Plaintiffs.

152. By mandating that Plaintiffs use the restrooms and other sex-designated facilities

that do not match their gender identity through Resolution and PRSD's newly-adopted discriminatory policy and practice, Defendants refuse to recognize Plaintiffs' gender identity and effectively erase their gender identity.

153. By mandating and relegating Plaintiffs to use single-stall unisex restrooms, Defendants isolate and segregate Plaintiffs based on their sex, gender identity, and transgender status.

154. As a result, since the passage of Resolution 2 and the implementation of PRSD's newly-adopted discriminatory policy and practice, Plaintiffs and other transgender students have commonly refrained from using the restroom while at Pine-Richland High School, as much as possible, and have gone full days without using the restroom.

155. By adopting Resolution 2 and implementing PRSD's newly-adopted discriminatory policy and practice, Defendants have fostered an unsafe, unhealthy, and distressing environment for Plaintiffs and other transgender students at PRSD.

156. Defendants have marginalized and stigmatized Plaintiffs. Defendants' actions have caused Plaintiffs deep anxiety and distress.

157. As a result, Plaintiffs and other transgender students have experienced and continue to experience the harmful effects of being segregated from, and treated differently than, their cisgender classmates of the same gender identity at Pine-Richland High School, including lowered self-esteem, embarrassment, humiliation, social isolation, and stigma. All of these harmful effects have also heightened the symptoms, including depression and anxiety, of the gender dysphoria suffered by Plaintiffs and other transgender students.

158. Through their actions, Defendants have purposefully disrupted Plaintiffs' education just as Plaintiffs began attending their senior year of school, when they are to apply to colleges

and further plan their future.

Effects on Plaintiff Juliet Evancho

159. The passage of Resolution 2 and implementation of PRSD's newly-adopted discriminatory policy and practice changed everything for Juliet at Pine-Richland. It destroyed everything that Pine-Richland stood for in her life and made it harder for Juliet to get up in the morning and get dressed and go to school.

160. Having to use the boys' restroom makes Juliet feel uncomfortable, scared and unnerved, which causes her great anxiety. Using the boys' restroom causes a "trapped feeling" in Juliet, like she is living a nightmare.

161. Having to use the single-stall unisex restrooms is not acceptable to Juliet either, because it makes feel marginalized and isolated. As a result, Juliet has avoided using the restroom at school altogether and has gone full days without using the restroom, something that is very uncomfortable.

162. Since the debate about Resolution 2 started, Juliet has been subjected to comments and harassment on account of her gender identity, primarily by cisgender male students.

163. The adoption of Resolution 2 and subsequent implementation of PRSD's newly-adopted discriminatory policy and practice has caused Juliet to no longer feel safe in school.

164. For example, on September 14, 2016, just two days after the passage of Resolution 2 and a day after the implementation of PRSD's newly-adopted discriminatory policy and practice, Juliet was harassed by three cisgender male students. After which, she left school.

165. Juliet's siblings have also been subjected to comments and harassment as a result of Juliet's gender identity.

166. On September 27, 2016, Juliet needed to use the restroom quickly. She entered a

girls' restroom while no other students were around. She went in and out quickly. As she came out, she was seen by the Assistant Principal and was immediately reprimanded. Juliet was taken to the principal's office, and her parents were called. Even though no other students had been in the area, Pine-Richland High School administrators saw fit to reprimand Juliet. This incident caused great distress to Juliet.

167. The situation at Pine-Richland High School and PRSD has become so distressing for Juliet that she no longer feels safe at PRSD, her school work has been affected, and has avoided attending school for periods of time due to the passage of Resolution 2 and implementation of PRSD's newly-adopted discriminatory policy and practice.

Effects on Plaintiff Elissa Ridenour

168. Elissa feels saddened and appalled by the nearly six-month debate at the School Board about her use of the restroom, the adoption of Resolution 2, and the implementation of PRSD's newly-adopted discriminatory policy and practice.

169. Having to use the boys' restroom is uncomfortable and frightening for Elissa. Elissa is terrified about what would happen if she used the boys' restroom at the high school. Elissa is left wondering why, if the School Board members and others who opposed PRSD's longstanding inclusive practice, would not want girls to use the boys' restroom, they would want her to use that restroom.

170. Having to use the single-stall unisex restrooms causes Elissa to feel like she does not belong in the student body, singled out, and like an outlier. She also feels like she's under constant surveillance, being watched and monitored, as if she were being placed in a petri dish.

171. As a result of the passage of Resolution 2 and subsequent implementation of PRSD's newly-adopted discriminatory policy and practice, Elissa has avoided using the restroom

while at school, as much as possible, which is very uncomfortable.

172. Even though she is a girl, Elissa believes that School Board passed Resolution 2 and mandated the implementation of PRSD's newly-adopted discriminatory policy and practice because they are singling out who she is as a person and they do not see her as who she is—a girl.

Effects on Plaintiff A.S.

173. The passage of Resolution 2 and subsequent implementation of PRSD's newly-adopted discriminatory policy and practice has been distressing for A.S. It has caused A.S. to feel angry, frustrated, disappointed, isolated, and marginalized. It has also caused A.S. to become depressed and very anxious. A.S. believes that, in adopting Resolution 2 and implementing PRSD's newly-adopted discriminatory policy and practice, Defendants have essentially announced to the Pine-Richland community that transgender students cannot be trusted or respected.

174. Having to use the girls' restroom causes great distress in A.S. Not only does having to use the girls' restroom cause great discomfort to A.S., A.S. also worries about how cisgender girls would feel if he, a boy, were to use the girls' restroom.

175. Having to use the single-stall unisex restrooms is not acceptable to A.S. either. For one thing, having to use the single-stall unisex restrooms feels uncomfortable and dehumanizing to A.S. A.S. also believes that being forced to use the single-stall unisex restrooms sends a message that he is someone who is different and needs to be isolated from the rest of the student body. A.S. worries that, since the School Board has forced transgender students to use the single-stall unisex restrooms and the announcement about these restrooms was made in the midst of the debate described herein, the mere use of such restrooms by A.S. would disclose to the rest of the school that A.S. is transgender.

176. As a result, A.S. avoids using the restroom at school altogether and goes full days without using the restroom, something that is very uncomfortable.

177. The passage of Resolution 2 and subsequent implementation of PRSD's newly-adopted discriminatory policy and practice has also distracted A.S. from his school work and caused disrupted his education just as he is applying to colleges

178. A.S. has also faced mockery since the debate about Resolution 2 started. One of A.S.'s art exhibits, which tend to relate to gender identity, was vandalized during the time the School Board debated the adoption of Resolution 2.

CAUSES OF ACTION

COUNT I – SEX DISCRIMINATION IN VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 20 U.S.C. § 1681, *et seq.* (Against Defendant PRSD)

179. Plaintiffs incorporate by reference and reallege all of the preceding paragraphs of this complaint as though fully set forth herein.

180. Title IX provides that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681(a).

181. Under Title IX, discrimination “on the basis of sex” encompasses discrimination based on an individual’s gender identity, transgender status, and gender expression, including nonconformity to sex-or gender-based stereotypes.

182. Title IX’s prohibition on sex discrimination extends to “any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient of federal funding.” 34 C.F.R. § 106.31.

183. Defendant PRSD is an education program receiving federal financial assistance and

is therefore subject to Title IX's prohibition of sex discrimination against any student.

184. By adopting and enforcing a policy or practice prohibiting Juliet, a transgender girl, from accessing and using female-designated restrooms at school, and requiring that she use male-designated restrooms or single-occupancy restrooms, Defendant PRSD has discriminated against and continues to discriminate against Juliet in her enjoyment of PRSD's educational programs and activities by treating her differently from other female students based on her gender identity, the fact that she is transgender, and her nonconformity with sex stereotypes. Defendant PRSD has discriminated against Juliet on the basis of sex in violation of Title IX and has thereby denied Juliet the full and equal participation in, benefits of, and right to be free from discrimination in the educational opportunities offered by PRSD and Pine-Richland High School.

185. By adopting and enforcing a policy or practice prohibiting Elissa, a transgender girl, from accessing and using female-designated restrooms at school, and requiring that she use male-designated restrooms or single-occupancy restrooms, Defendant PRSD has discriminated against and continues to discriminate against Elissa in her enjoyment of PRSD's educational programs and activities by treating her differently from other female students based on her gender identity, the fact that she is transgender, and her nonconformity with sex stereotypes. Defendant PRSD has discriminated against Elissa on the basis of sex in violation of Title IX and has thereby denied Juliet the full and equal participation in, benefits of, and right to be free from discrimination in the educational opportunities offered by PRSD and Pine-Richland High School.

186. By adopting and enforcing a policy or practice prohibiting A.S., a transgender boy, from accessing and using male-designated restrooms at school, and requiring that he use female-designated restrooms or single-occupancy restrooms, Defendant PRSD has discriminated against and continues to discriminate against A.S. in his enjoyment of PRSD's educational programs and

activities by treating him differently from other male students based on his gender identity, the fact that he is transgender, and his nonconformity with sex stereotypes. Defendant PRSD has discriminated against A.S. on the basis of sex in violation of Title IX and thereby has denied A.S. the full and equal participation in, benefits of, and right to be free from discrimination in the educational opportunities offered by PRSD and Pine-Richland High School.

187. Plaintiffs are entitled to a preliminary and permanent injunctive relief enjoining Defendants from enforcing Resolution 2.

188. PRSD has intentionally violated Title IX, for which Plaintiffs are entitled to damages against PRSD.

**COUNT II – DEPRIVATION OF EQUAL PROTECTION
IN VIOLATION OF FOURTEENTH AMENDMENT OF
THE UNITED STATES CONSTITUTION
42 U.S.C. § 1983
(Against All Defendants)**

189. Plaintiffs incorporate by reference and reallege all of the preceding paragraphs of this complaint as though fully set forth herein.

190. Plaintiffs state this cause of action against all Defendants for purposes of seeking declaratory and injunctive relief, and challenge Resolution 2 both facially and as applied to them.

191. The Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.”

192. Each of the Defendants is a “person acting under color of state law” for the purposes of 42 U.S.C. § 1983.

193. Under the Equal Protection Clause of the Fourteenth Amendment, discrimination based on sex, including gender, gender identity, transgender status and nonconformity to sex-based

or gender-based stereotypes, as well as discrimination based on transgender status alone, is presumptively unconstitutional and, therefore, subject to heightened scrutiny.

194. Resolution 2 and PRSD's newly-adopted practice discriminate against transgender students on the basis of sex, including gender, gender identity, transgender status and non-conformity to sex-based or gender-based stereotypes, and on the basis of transgender status alone.

195. Resolution 2, and its ensuing practice, treats transgender students differently than cisgender students who are similarly situated.

196. Under Resolution 2 and PRSD's newly-adopted practice, cisgender students are able to access restrooms and other sex-designated facilities consistent with their gender identity, but transgender students are banned from restrooms and other sex-designated facilities consistent with their gender identity.

197. By adopting and enforcing a policy or practice of prohibiting Juliet and Elissa, both transgender girls, from accessing female-designated restrooms at school, and requiring that they use male-designated restrooms or single-occupancy restrooms, Defendants have discriminated and continue to discriminate against Juliet and Elissa in their enjoyment of PRSD's education program and activities by treating them differently than other female students based on their gender identity, the fact that they are transgender, and their nonconformity to female stereotypes, thereby denying them the full and equal participation in, benefits of, and right to be free from discrimination in the educational opportunities offered by PRSD and Pine-Richland High School, on the basis of sex and transgender status, in violation of the Equal Protection Clause.

198. By adopting and enforcing a policy or practice of prohibiting A.S., a transgender boy, from accessing male-designated restrooms at school, and requiring that he use female-designated restrooms or single-occupancy restrooms, Defendants have discriminated and continue

to discriminate against A.S. in his enjoyment of PRSD's education program and activities by treating him differently than other male students based on his gender identity, the fact that he is transgender, and his nonconformity to male stereotypes, thereby denying him the full and equal participation in, benefits of, and right to be free from discrimination in the educational opportunities offered by PRSD and Pine-Richland High School, on the basis of sex and transgender status, in violation of the Equal Protection Clause.

199. Resolution 2 and PRSD's enforcement of it are neither substantially related to any important government interest, nor do they even rationally advance any legitimate government interest.

200. Defendants are liable for their violation of Plaintiff's Fourteenth Amendment rights under 42 U.S.C. § 1983.

201. Plaintiffs have been, and continue to be, injured by Defendants' conduct and have suffered damages as a result.

202. Resolution 2 and PRSD's newly-adopted practice deprive transgender students of their right to equal dignity, liberty, and autonomy by branding them as second-class citizens.

203. Resolution 2's and PRSD's discrimination against transgender students based on sex denies them the equal protection of the laws, in violation of the Equal Protection Clause of the Fourteenth Amendment.

204. Plaintiffs are entitled to preliminary and injunctive relief against all Defendants declaring Resolution 2 unconstitutional and enjoining its enforcement.

Discrimination Based on Transgender Status Alone Warrants Heightened Scrutiny.

205. Transgender people have suffered a long history of extreme discrimination in Pennsylvania and across the country, and continue to suffer such discrimination to this day.

206. Transgender people are a discrete and insular group and lack the political power to protect their rights through the legislative process. Transgender people have largely been unable to secure explicit local, state, and federal protections to protect them against discrimination.

207. A person's gender identity or transgender status bears no relation to a person's ability to contribute to society.

208. Gender identity is a core, defining trait and is so fundamental to one's identity and conscience that a person cannot be required to abandon it as a condition of equal treatment.

209. Gender identity generally is fixed at an early age and highly resistant to change through intervention.

210. For the foregoing reasons, discrimination based on gender identity status alone is entitled to heightened scrutiny under the equal protection clause of the Fourteenth Amendment and Plaintiffs are entitled to relief against all Defendants on that basis as well.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court enter Judgment in their favor and against Defendants on all claims as follows:

- a. Enter a declaratory judgment that the actions of Defendants complained of herein, including the adoption of Resolution 2 and the implementation of the newly-adopted policy and practice, are in violation of Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*, and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;
- b. Issue preliminary and permanent injunctive relief directing Defendants to:
 - i. Provide Plaintiffs with access to sex-designated restrooms at PRSD facilities in accordance with their gender identity;

- ii. Treat Plaintiffs Juliet and Elissa as girls in all respects for the remainder of their time as students in Defendants' schools or until resolution of this lawsuit, whichever is later;
 - iii. Treat Plaintiff A.S. as a boy in all respects for the remainder of his time as a student in Defendants' schools or until resolution of this lawsuit, whichever is later;
 - iv. Clarify that PRSD's existing policies prohibiting discrimination on the basis of sex apply to discrimination based on gender identity, transgender status, and nonconformity to sex stereotypes;
 - v. Provide training to all district-level and school-based administrators, including School Board Directors, in the Pine-Richland School District on their obligations under Title IX and the Equal Protection Clause regarding the nondiscriminatory treatment of transgender and gender nonconforming students; and
 - vi. Ensure that all district-level and school-based administrators, including School Board Directors, responsible for enforcing Title IX, including Defendants' designated Title IX coordinator(s), are aware of the correct and proper application of Title IX to transgender and gender nonconforming students.
- c. Issue preliminary and permanent injunctive relief restraining Defendants, their agents, employees, representatives, and successors, and any other person acting directly or indirectly with them, from adopting, implementing, or enforcing any policy or practice at the school or district level that treats transgender students

- differently from their similarly situated peers (i.e., treating transgender boys differently from other boys and transgender girls differently from other girls);
- d. Award compensatory damages against PRSD for intentional violation of Title IX in an amount that would fully compensate Plaintiffs for the emotional distress and other damages that have been caused by Defendants' conduct alleged herein;
 - e. Award Plaintiffs the costs and disbursements of this action, including reasonable attorneys' fees; and
 - f. Grant such other and further relief in favor of Plaintiffs as this Court deems just, equitable and proper.

Dated on this 6th day of October, 2016.

Respectfully submitted,

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* Application for admission *pro hac vice* forthcoming.