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**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CITY OF HUNTINGTON BEACH,  
a California Charter City, and  
Municipal Corporation; PARENTS  
1A-9A,

Plaintiffs,

v.

GAVIN NEWSOM, in his official  
capacity as Governor of the State of  
California; ROBERT BONTA, in  
his official capacity as Attorney  
General of the State of California;  
and TONY THURMOND, in his  
official capacity as California State  
Superintendent of Public Instruction,

Defendants.

8:24-cv-02017 CBM (JDEx)

**UNOPPOSED MOTION FOR LEAVE  
TO FILE BRIEF OF AMICI CURIAE  
ACLU OF SOUTHERN  
CALIFORNIA, ET AL., IN SUPPORT  
OF DEFENDANTS' OPPOSITION TO  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: June 10, 2025

Time: 10:00 AM

Courtroom: 8D

Judge: Honorable Consuelo B. Marshall

Trial Date: N/A

Action Filed: September 17, 2024

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE**

Proposed amici curiae the **American Civil Liberties Union of Southern California** (ACLU SoCal), the **American Civil Liberties Union of Northern California** (ACLU NorCal), and the **American Civil Liberties Union of San Diego and Imperial Counties** (ACLU-SDIC), by and through their undersigned counsel, respectfully submit this motion for leave to file the attached Brief of Amici Curiae in Support of Defendants’ Opposition to Motion for Preliminary Injunction in the above-captioned case, to be heard on June 10, 2025, at 10:00 AM in Courtroom 8D at the First Street U.S. Courthouse, 350 W. 1st Street, Los Angeles, CA 90012. Proposed amici seek leave of the Court to submit the attached brief explaining why the Court should deny Plaintiffs’ motion for preliminary injunction.

Proposed amici have conferred with counsel for all parties concerning this motion. The parties’ respective counsel, Donald Falk and Jennifer Bunshoft, have informed proposed amici that neither Plaintiffs nor Defendants oppose this motion.

**I. Statement of Interest of Proposed Amici Curiae**

ACLU SoCal, ACLU NorCal, and ACLU-SDIC are nonprofit, nonpartisan civil liberties organizations with a total of more than 100,000 members. As regional affiliates of the national American Civil Liberties Union, ACLU SoCal, ACLU NorCal, and ACLU-SDIC are dedicated to the principles of liberty and equality embodied in both the United States and California Constitutions and our nation’s civil rights laws. ACLU SoCal, ACLU NorCal, and ACLU-SDIC have long histories of vigorous advocacy to defend and advance the rights of LGBTQ+ Californians and the rights of students. On LGBTQ+ student rights issues in particular, this work has included litigation (*see, e.g., C.N. v. Wolf*, 410 F.Supp.2d 894 (C.D. Cal. 2005); *American Academy of Pediatrics v. Clovis Unified School District*, No. 12CECG02608 (Fresno County Super. Ct., 2012)), administrative advocacy, sponsorship of legislation (*see, e.g., Assem. Bill No. 1266* (2013–2014

1 Reg. Sess.)), technical assistance to government agencies and other organizations,  
2 and community engagement and public education efforts. ACLU SoCal, ACLU  
3 NorCal, and ACLU-SDIC not only are deeply invested in the principles of  
4 autonomy, equality, safety, and privacy for transgender and gender non-  
5 conforming youth at stake in this case, but also bring extensive relevant legal  
6 expertise.

7 Counsel for proposed amici certify that no party's counsel authored this brief  
8 in whole or in part, and no person other than amici, their members, or their counsel  
9 made a monetary contribution to its preparation or submission.

## 10 **II. The Proposed Brief Would Assist the Court in Deciding This Matter**

11 "The district court has broad discretion to appoint amici curiae." *WildEarth*  
12 *Guardians v. Haaland*, 561 F. Supp. 3d 890, 905 (C.D. Cal. 2021) (citing *Hoptowit*  
13 *v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds*  
14 *by Sandin v. Conner*, 515 U.S. 472 (1995)). The only criterion is that an applicant's  
15 "participation is useful to or otherwise desirable to the court." *Id.* (citing *In re*  
16 *Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991)).

17 Proposed amici respectfully contend that this brief would assist the Court in  
18 deciding this matter by expanding on the balance of harms at stake. Proposed amici  
19 argue that the SAFETY Act protects students from discrimination and harassment  
20 caused by forced outing policies, and that forced outing policies irreparably injure  
21 transgender and gender non-conforming students and their families. The proposed  
22 brief is attached hereto as Exhibit A.

## 23 **III. Conclusion**

24 For these reasons, ACLU SoCal, ACLU NorCal, and ACLU-SDIC  
25 respectfully request that the Court grant this motion for leave to file the  
26 accompanying brief of amici curiae.

Date: May 9, 2025

Respectfully submitted,

/s/ Christine Parker

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Christine Parker (State Bar No. 315529)

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**CORPORATE DISCLOSURE STATEMENT**

Proposed amici curiae the American Civil Liberties Union of Southern California, the American Civil Liberties Union of Northern California, and the American Civil Liberties Union of San Diego and Imperial Counties state that they do not have parent corporations. No publicly held corporation owns 10% or more of any stake or stock in proposed amici curiae.

Date: May 9, 2025

/s/ Christine Parker

Christine Parker

*Attorney for Proposed Amici Curiae*

## TABLE OF CONTENTS

TABLE OF AUTHORITIES.....	4
STATEMENT OF INTEREST .....	10
INTRODUCTION .....	10
ARGUMENT.....	13
I.    The SAFETY Act Protects Students from Discrimination and Harassment Caused by Forced Outing Policies.....	13
II.   Forced Outing Policies Irreparably Injure Transgender and Gender Non- Conforming Students and their Families, Eroding the Foundation for Affirming School Environments that Foster Success.....	15
A.   Outing Transgender and Gender Non-Conforming Students Without Their Consent Results in Serious and Irreparable Harm to Their Social, Emotional, and Physical Well-Being and Safety. ....	15
B.   Affirming School Environments Allow LGBTQ+ Students to Express Their Authentic Selves on Their Own Terms, Fostering an Array of Social, Emotional, and Academic Successes. ....	19
CONCLUSION.....	21

## TABLE OF AUTHORITIES

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1 **STATEMENT OF INTEREST**

2 The **American Civil Liberties Union of Southern California** (ACLU  
3 SoCal), the **American Civil Liberties Union of Northern California** (ACLU  
4 NorCal), and the **American Civil Liberties Union of San Diego and Imperial**  
5 **Counties** (ACLU-SDIC) are nonprofit, nonpartisan civil liberties organizations  
6 with a total of more than 100,000 members. As regional affiliates of the national  
7 American Civil Liberties Union, ACLU SoCal, ACLU NorCal, and ACLU-SDIC  
8 are dedicated to the principles of liberty and equality embodied in both the United  
9 States and California Constitutions and our nation's civil rights laws. ACLU  
10 SoCal, ACLU NorCal, and ACLU-SDIC have long histories of vigorous advocacy  
11 to defend and advance the rights of LGBTQ+ Californians and the rights of  
12 students. On LGBTQ+ student rights issues in particular, this work has included  
13 litigation (*see, e.g., C.N. v. Wolf*, 410 F.Supp.2d 894 (C.D. Cal. 2005); *American*  
14 *Academy of Pediatrics v. Clovis Unified School District*, No. 12CECG02608  
15 (Fresno County Super. Ct., 2012)), administrative advocacy, sponsorship of  
16 legislation (*see, e.g., Assem. Bill No. 1266* (2013–2014 Reg. Sess.)), technical  
17 assistance to government agencies and other organizations, and community  
18 engagement and public education efforts. ACLU SoCal, ACLU NorCal, and  
19 ACLU-SDIC not only are deeply invested in the principles of autonomy, equality,  
20 safety, and privacy for transgender and gender non-conforming youth at stake in  
21 this case, but also bring extensive relevant legal expertise.

22 Counsel for proposed amici certify that no party's counsel authored this brief  
23 in whole or in part, and no person other than amici, their members, or their counsel  
24 made a monetary contribution to its preparation or submission.

25 **INTRODUCTION**

26 Upon the inauguration of President Donald Trump earlier this year, our  
27 federal government promptly and enthusiastically began targeting some of our  
28 most vulnerable communities. Since day one, the Trump Administration has issued

1 a flurry of executive orders attacking transgender and gender non-conforming  
2 individuals,<sup>1</sup> and the U.S. Department of Education has launched multiple  
3 investigations into California entities attempting to protect the rights of transgender  
4 and gender non-conforming students in particular.<sup>2</sup>

5 California, on the other hand, has for decades guaranteed students of all  
6 backgrounds the fundamental right to an education with antidiscrimination laws—  
7 some of the strongest in the country—that protect the rights of all students,  
8 including LGBTQ+ students, to be themselves at school. Nonetheless, even in  
9 California, the last few years have seen an alarming rise in targeted attacks against  
10 LGBTQ+ people (up 86.4% as of the latest reporting<sup>3</sup>), and in particular against  
11 transgender and gender non-conforming youth.<sup>4</sup> Over the past year, we have seen a  
12 wave of attacks against LGBTQ+ Californians: at their homes,<sup>5</sup> places of

13  
14 <sup>1</sup> See, e.g., Exec. Order No. 14168, *Defending Women from Gender Ideology Extremism and*  
15 *Restoring Biological Truth to the Federal Government*, 90 Fed. Reg. 8615 (Jan. 20, 2025); Exec.  
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17 2025); Exec. Order No. 14187, *Protecting Children from Chemical and Surgical Mutilation*, 90  
18 Fed. Reg. 8771 (Jan. 28, 2025); Exec. Order No. 14201, *Keeping Men Out of Women’s Sports*,  
19 90 Fed. Reg. 9279 (Feb. 5, 2025).

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21 *Associations*, U.S. Dep’t of Educ. (Feb. 12, 2025), [https://www.ed.gov/about/news/press-release/](https://www.ed.gov/about/news/press-release/us-department-of-education-launches-title-ix-investigations-two-athletic-associations)  
22 [us-department-of-education-launches-title-ix-investigations-two-athletic-associations](https://www.ed.gov/about/news/press-release/us-department-of-education-launches-title-ix-investigations-two-athletic-associations); *U.S.*  
23 *Department of Education Launches Investigation into California Department of Education for*  
24 *Alleged FERPA Violations*, U.S. Dep’t of Educ. (Mar. 27, 2025), [https://www.ed.gov/about/](https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-california-department-of-education-alleged-ferpa-violations)  
25 [news/press-release/us-department-of-education-launches-investigation-california-department-of-](https://www.ed.gov/about/news/press-release/us-department-of-education-launches-investigation-california-department-of-education-alleged-ferpa-violations)  
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27 <sup>3</sup> *Hate Crime in California*, Cal. Dep’t of Justice (2023), [https://data-openjustice.doj.ca.gov/sites/](https://data-openjustice.doj.ca.gov/sites/default/files/2024-06/Hate%20Crime%20In%20CA%202023f_0.pdf)  
28 [default/files/2024-06/Hate%20Crime%20In%20CA%202023f\\_0.pdf](https://data-openjustice.doj.ca.gov/sites/default/files/2024-06/Hate%20Crime%20In%20CA%202023f_0.pdf).

<sup>4</sup> See *Under Fire: The War on LGBTQ People in America*, Movement Advancement Project  
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[Fire-Erasing-LGBTQ-People\\_2023.pdf](https://www.mapresearch.org/file/MAP-Under-Fire-Erasing-LGBTQ-People_2023.pdf).

<sup>5</sup> See, e.g., John Holland, *Protests follow ‘horrific’ assault on gay man in Jamestown. Adult, two*  
*juveniles arrested*, Modesto Bee (Feb. 4, 2025), [https://www.modbee.com/news/local/crime/](https://www.modbee.com/news/local/crime/article299711219.html)  
[article299711219.html](https://www.modbee.com/news/local/crime/article299711219.html); Hannah Fry, *A couple’s Pride flag was slashed in Anaheim. Their*  
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employment,<sup>6</sup> community centers,<sup>7</sup> beaches,<sup>8</sup> restaurants,<sup>9</sup> and bars<sup>10</sup>—but perhaps most of all, at school.<sup>11</sup>

The recent outbreak of “forced outing” policies contemplated by school districts across the state continued this pattern of harmful attacks on the rights and dignity of transgender and gender non-conforming young people.<sup>12</sup> In general, these policies required school staff to notify a student’s parents or guardians essentially if they discover that the student is transgender or gender non-

<sup>6</sup> See, e.g., Cerys Davies, *String of unsolved ‘transphobic’ attacks target MacArthur Park shopkeeper*, L.A. Times (May 3, 2025), <https://www.latimes.com/california/story/2025-05-03/sabrina-de-la-pena-westlake-assaults>.

<sup>7</sup> See, e.g., Post Staff, *Hate crime investigation launched after LGBTQ+ flags vandalized*, Palm Springs Post (Feb. 4, 2025), <https://thepalmspringspost.com/hate-crime-investigation-launched-after-lgbtq-flags-vandalized>; cf. John Ferrannini, *LGBTQ Agenda: Almost three-quarters of LGBTQ centers nationwide experience threats, harassment, report says*, Bay Area Reporter (Oct. 29, 2024), <https://www.ebar.com/story/336144>.

<sup>8</sup> See, e.g., LA Blade Digital Staff, *LA County Pride lifeguard tower at Will Rogers beach vandalized*, L.A. Blade (June 19, 2024), <https://www.losangelesblade.com/2024/06/19/la-county-pride-lifeguard-tower-at-will-rogers-beach-vandalized>.

<sup>9</sup> See, e.g., Veronica Catlin, *‘Pride flag’ at Northern California restaurant leads to assault and hate crime investigation*, Yahoo (Sept. 20, 2024), <https://www.yahoo.com/pride-flag-northern-california-restaurant-010835103.html>.

<sup>10</sup> See, e.g., Ricardo Tovar, *Man arrested for hate crime that targeted LGBTQ+ pub in Downtown Santa Cruz*, KSBW (Dec. 13, 2024), <https://www.ksbw.com/article/arrested-hate-crime-lgbtq-pub-downtown-santa-cruz/63186473>; Ryan Adamczeski, *An attacker fired a pellet gun at 4 LGBTQ+ bars in California. The community wants answers*, Advocate (May 21, 2024), <https://www.advocate.com/crime/pellet-gun-gay-bars-san-diego>.

<sup>11</sup> See, e.g., Kevin Rector, *Two transgender athletes navigate teen life on front lines of raging national debate*, L.A. Times (Feb. 9, 2025), <https://www.latimes.com/california/story/2025-02-09/two-transgender-athletes-describe-teen-life-on-the-front-lines-of-a-raging-national-debate>; Erin Allday, *One student says he’s paid the price for his school district’s anti-LGBT policies*, S.F. Chron (Oct. 5, 2024), <https://www.sfchronicle.com/politics/article/school-trans-lgbtq-student-19814079.php>; Emma Gallegos, *LGBTQ students are leaving Sonoma County school over bullying*, EdSource (Jul. 9, 2024), <https://edsource.org/updates/lgbtq-students-are-leaving-sonoma-county-school-over-bullying>; see also Laura Meckler et al., *In states with laws targeting LGBTQ issues, school hate crimes quadrupled*, Wash. Post (Mar. 12, 2024), <https://www.washingtonpost.com/education/2024/03/12/school-lgbtq-hate-crimes-incidents> (quoting Chino Valley Unified School District student Max Ibarra); 2024 *U.S. National Survey on the Mental Health of LGBTQ+ Young People*, The Trevor Project (2024), <https://www.thetrevorproject.org/survey-2024/#negative-experiences-at-school>.

<sup>12</sup> See Erin Reed, *The Painful History Of Forced Outing And Anti-LGBTQ+ School Policies*, L.A. LGBT Center (Oct. 11, 2023), <https://lalgbtcenter.org/vanguard/the-painful-history-of-forced-outing-and-anti-lgbtq-school-policies>.



1 conforming—regardless of the student’s wishes or circumstances at home. In  
2 adopting such policies, school board members and members of the public  
3 described being transgender as a “perverse sexual ideology,”<sup>13</sup> the product of a  
4 “destructive agenda,”<sup>14</sup> and even “a dismantling of our humanity.”<sup>15</sup> Transgender  
5 and gender non-conforming students at these meetings voiced how these policies  
6 put their lives at risk and shared stories about the harms they suffered when they  
7 were “outed” to their families before they were ready. Despite hearing these  
8 personal experiences from young people, districts continued to adopt such policies  
9 regardless of the harms caused, as described below.

10 California law has long since required public schools to protect transgender  
11 and gender non-conforming students from discrimination and harassment, and to  
12 respect their privacy. In order to strengthen this existing law, the State Legislature  
13 enacted AB 1955—the SAFETY Act—in 2024, which prohibits public schools in  
14 the state from forcing school staff to “out” students without their consent (unless  
15 otherwise required by law). The law, social science research, and student  
16 testimonies all make clear that there is no place in California public schools for  
17 these kinds of forced outing policies that put the safety and welfare of transgender  
18 and gender non-conforming students at risk.

## 19 ARGUMENT

### 20 I. The SAFETY Act Protects Students from Discrimination and 21 Harassment Caused by Forced Outing Policies.

22 California law unequivocally prohibits discrimination and harassment in  
23 California public schools on the basis of gender. Both the state Constitution’s equal  
24 protection guarantee and state statutory law affirmatively require public schools to

25 <sup>13</sup> Temecula Valley Unified School District, *AUG 22 2023 Governing Board Meeting* at 2:25:50,  
26 YouTube (Aug. 22, 2023), <https://youtu.be/0eiEUuXtPNc?t=8750>.

<sup>14</sup> *Id.* at 5:04:05, <https://youtu.be/0eiEUuXtPNc?t=18245>.

27 <sup>15</sup> Chino Valley Unified School District, *CVUSD Meeting of the Board of Education - July 20th,*  
28 2023 at 3:26:09, YouTube (Jul. 20, 2023), <https://www.youtube.com/live/PE6cH15Goy0?t=12369s>.

1 protect students from unlawful discrimination and harassment, including on the  
2 basis of gender, gender identity, gender expression, and sexual orientation.<sup>16</sup> To  
3 this end, California has enacted laws and policies that ensure a safe and welcoming  
4 learning environment for all students.<sup>17</sup> It is in this same vein that the Legislature  
5 enacted the SAFETY Act to protect students from discrimination and harassment  
6 caused by forced outing policies.

7 In general, forced outing policies discriminate by requiring parental  
8 notification any time a student requests to be identified or accesses sex-segregated  
9 school programs or facilities in a way that does not align with their sex assigned at  
10 birth or the gender listed in their records and identification documents.<sup>18</sup> A  
11 student's gender identity is the only criterion that triggers notification. Thus, while  
12 all students in California have the right to learn free from discrimination and  
13 harassment, forced outing policies impose a condition on accessing that right that  
14 only applies to transgender and gender non-conforming students. In order to be  
15 identified by the name and pronouns that align with their gender identity, as well as  
16 to access programs and facilities that align with their gender identity, transgender  
17 and gender non-conforming students are subjected to forced outing whereas  
18 cisgender students are not.

19 It is precisely this type of discrimination and harassment on the basis of  
20 gender that longstanding California law prohibits generally and that the SAFETY  
21 Act was enacted to address more specifically in the forced outing context.

22  
23  
24 <sup>16</sup> Cal. Const., art. I, § 7; Cal. Educ. Code §§ 200, 201, 220, 234 et seq.; Cal. Gov't Code §  
11135.

25 <sup>17</sup> See, e.g., Cal. Educ. Code §§ 51204.5 (amendments codified by SB 48 of 2011, the FAIR  
Education Act), 221.5 (codified by AB 1266 of 2013, the School Success and Opportunity Act).

26 <sup>18</sup> See, e.g., CVUSD, *BP 5020.1(a)*, available at  
27 [https://www.chino.k12.ca.us/cms/lib/CA01902308/Centricity/domain/693/series\\_5000/BP%205020.1.pdf](https://www.chino.k12.ca.us/cms/lib/CA01902308/Centricity/domain/693/series_5000/BP%205020.1.pdf); TVUSD, *Policy 5020.1*, available at  
28 <https://simbli.eboardsolutions.com/Meetings/Attachment.aspx?S=36030186&AID=581093&MI D=22134>.

**II. Forced Outing Policies Irreparably Injure Transgender and Gender Non-Conforming Students and their Families, Eroding the Foundation for Affirming School Environments that Foster Success.**

Decades of research have shown that transgender and gender non-conforming students and their families suffer irreparable harm when young people are outed before they are ready. By contrast, studies consistently show that affirming school environments—where LGBTQ+ students feel safe to express their authentic selves on their own terms—foster an array of social, emotional, and academic successes. This research is borne out in the public record that has been generated by the wave of California school districts that have considered or passed forced outing policies, including Anderson Union High School District, Chino Valley Unified School District, Clovis Unified School District, Murrieta Valley Unified School District, Orange Unified School District, Rocklin Unified School District, and Temecula Valley Unified School District.<sup>19</sup>

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

Forced outing policies subject transgender and gender non-conforming students to harm by forcing them to stay “in the closet” at school, causing irreparable injury throughout various aspects of their lives. For example, after Chino Valley Unified School District passed a forced outing policy in 2023, students reported that their transgender and gender non-conforming peers who once perceived school as a “haven when their homes were not” were suddenly

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<sup>19</sup> See, e.g., Melissa Montalvo, ‘This is life or death.’ *California Teens Say Transgender Outing Policies Threaten Safety*, Fresno Bee (Sept. 15, 2023), <https://www.fresnobee.com/news/local/article278697909.html>; David Gilbert, *Inside the Fight to Forcibly Out Transgender Students in California*, VICE (Sept. 7, 2023), <https://www.vice.com/en/article/california-transgender-school-board-forced-outing>; Beau Yarbrough, *LGBTQ Students on New School Rules: “It’s Clear Our Lives are Not Important,”* San Bernardino Sun (Aug. 28, 2023), <https://www.sbsun.com/2023/08/28/southern-california-lgbtq-students-say-new-rules-endanger-their-safety>.

1 “being ‘shoved’ back into the closet.”<sup>20</sup> Indeed, Rainbow Youth Project launched a  
2 hotline specifically for California students concerned about forced outing policies.  
3 From the hotline’s launch in August 2023 to June 2024, RYP reported receiving a  
4 staggering total of 5,934 phone calls, many from “young people [] in distress” who  
5 “have a fear of being outed, a fear of being rejected by families if they are.”<sup>21</sup>

6 Courts have recognized that forcing transgender students to use their birth  
7 name and pronouns exposes them to the “life threatening” risks of discrimination  
8 when they are already harassed at alarming rates in schools.<sup>22</sup> These findings are  
9 buttressed by research showing that being referred to by the wrong name and  
10 pronouns results in psychological distress, including anxiety- and depression-  
11 related symptoms.<sup>23</sup> Further studies have shown that youth “who were outed to  
12 their parents reported greater depressive symptoms and lower LGBTQ family  
13 support compared to youth who were not outed,” and that overall, “a lack of  
14 agency in disclosing a sexual and/or gender identity to parents can greatly  
15 undermine the well-being of [LGBTQ+ youth].”<sup>24</sup>

16 This psychological distress in turn results in poorer academic outcomes  
17 among LGBTQ+ students. When transgender and gender non-conforming young  
18 people feel unsafe at school, they are more than twice as likely than their peers to

19  
20 <sup>20</sup> Melissa Gomez, “Kids Are Having to Use Their Deadname”: Students Say Gender Policies  
21 Make Schools Feel Unsafe, L.A. Times (Sept. 21, 2023), [https://www.latimes.com/california/  
story/2023-09-21/transgender-students-parental-notification-policies-schools-lgbtq-forced-  
outing](https://www.latimes.com/california/story/2023-09-21/transgender-students-parental-notification-policies-schools-lgbtq-forced-outing).

22 <sup>21</sup> Jenaviene Hatch, *Bill banning parent notification policies in California schools gains  
momentum amid protest*, Sacramento Bee (June 27, 2024), [https://www.sacbee.com/news/  
politics-government/capitol-alert/article289549608.html](https://www.sacbee.com/news/politics-government/capitol-alert/article289549608.html).

23 <sup>22</sup> See *Doe v. Boyertown Area Sch. Dist.*, 897 F.3d 518, 529 (3d Cir. 2018), *petition for certiorari  
denied*, 139 S. Ct. 2636 (2019); *Grimm v. Gloucester Cnty. Sch. Bd.*, 972 F.3d 586, 612 (4th Cir.  
2020); cf. *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336, 357 (1st Cir. 2025) (affirming students’  
gender identities correlates with better mental health outcomes).

26 <sup>23</sup> Kevin McLemore, *A Minority Stress Perspective on Transgender Individuals’ Experiences  
with Misgendering*, 3 *Stigma and Health* 53, 59 (2018).

27 <sup>24</sup> Peter McCauley et al., *Stress of being outed to parents, LGBTQ family support, and depressive  
symptoms among sexual and gender diverse youth*, 34 *J. of Rsch. on Adolescence* 205 (2024),  
28 <https://onlinelibrary.wiley.com/doi/abs/10.1111/jora.12912>.

miss school.<sup>25</sup> For example, when Rocklin Unified School District was considering a forced outing policy, a member of the public reported that they had been outed by their counselor while they were in school and, as a result, their parents sent them to conversion therapy.<sup>26</sup> As they explained: “[i]t separated me. . . , I was vulnerable and left out, and I did not trust my teachers after that . . . I did not concentrate at school. I was always afraid.”<sup>27</sup> Forcing transgender and gender non-conforming students to come out at home before they are ready also exposes them to high risks of familial rejection, which frequently leads to homelessness, among other negative outcomes. One 2022 report found that over 35% of transgender and gender non-conforming youth had experienced homelessness or housing instability at some point in their lives.<sup>28</sup> As one person testified at an Orange Unified School District board meeting where a forced outing policy was being considered:

<sup>25</sup> Nicolas Suarez et al., *Disparities in School Connectedness, Unstable Housing, Experiences of Violence, Mental Health, and Suicidal Thoughts and Behaviors Among Transgender and Cisgender High School Students — Youth Risk Behavior Survey, United States, 2023*, 43(4) MMWR Supplements 50 (2024), <https://www.cdc.gov/mmwr/volumes/73/su/su7304a6.htm>; see also Kasey Jackman et al., *Suicidality Among Gender Minority Youth: Analysis of 2017 YRBS Data*, 25 Archives of Suicide Research 208 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7176535>; Joseph Kosciw et al., *The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation’s Schools*, GLSEN (2022), <https://www.glsen.org/sites/default/files/2022-10/NSCS-2021-Full-Report.pdf>; Arnold Grossman et al., *Lesbian, Gay, Bisexual and Transgender Youth Talk about Experiencing and Coping with School Violence: A Qualitative Study*, 6 J. of LGBT Youth 24 (2009), <https://www.tandfonline.com/doi/full/10.1080/19361650802379748>.

<sup>26</sup> “Conversion therapy” is an umbrella term used to encompass any “sustained efforts to discourage or change behaviors related to LGBTQ+ identities and expressions.” *Banning Sexual Orientation and Gender Identity Change Efforts*, American Psychological Association (2021), <https://www.apa.org/topics/lgbtq/sexual-orientation-change>. Research has shown that conversion therapy causes poor mental health as well as academic and job performance. Caitlin Ryan et al., *Parent-Initiated Sexual Orientation Change Efforts With LGBT Adolescents: Implications for Young Adult Mental Health and Adjustment*, 67 J. of Homosexuality 159 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10371222>.

<sup>27</sup> Rocklin Unified School Board, *Rocklin Unified School District Board of Trustee’s Meeting – September 6, 2023* (Sept. 6, 2023) YouTube at 1:52:21 [https://www.youtube.com/watch?v=e\\_qD1y9QUp8](https://www.youtube.com/watch?v=e_qD1y9QUp8).

<sup>28</sup> Jonah DeChants et al., *Homelessness and Housing Instability Among LGBTQ Youth*, The Trevor Project (Feb. 3, 2022), <https://www.thetrevorproject.org/research-briefs/homelessness-and-housing-instability-among-lgbtq-youth-feb-2022>; see also Laura Baams et al., *LGBTQ Youth*

(cont’d)



1 [A]s a kid, I hid my identity from my family. I knew that  
2 they would reject and disown me, but I was outed to my  
3 family when I was 15. As a result, I was rejected. . . . I was  
4 asked to leave one of my parents' homes. I was isolated  
and I was scared. . . . This policy by its nature implies  
being trans is negative or dangerous.<sup>29</sup>

5 Other community members who have attended school board meetings to  
6 testify in opposition to forced outing policies include social workers, clergy, and  
7 police officers, who described their experience working with youth forced to leave  
8 home because their parents refused to accept their LGBTQ+ identity.<sup>30</sup>

9 Transgender and gender non-conforming people are also significantly more  
10 likely to experience physical, psychological, and sexual abuse from an immediate  
11 family member.<sup>31</sup> During Rocklin Unified School District's school board meeting,  
12 for example, one student shared that her friend took her life after being outed to her  
13 parents as transgender:

14  
15  
16 *in Unstable Housing and Foster Care*, 143(3) *Pediatrics* e20174211 (2019) (concluding based on  
California Healthy Kids Survey data that 25.3% of unstably housed youth in California were  
LGBTQ).

17 <sup>29</sup> Orange Unified School District, *OUSD Board Meeting – September 7, 2023* (Sept. 7, 2023)  
YouTube at 5:12:35–5:13:42 <https://www.youtube.com/watch?v=fe92I8VuFtU>.

18 <sup>30</sup> See, e.g., Rocklin Unified School Board, *supra*, at 3:10:00 (“If [the kids] don’t take their own  
19 lives, somebody else does it for them. . . . When parents pushed them out because they cannot  
20 accept their personal choices, they cannot unconditionally love their children.”); Murrieta Valley  
USD Board of Education, *August 10, 2023 Murrieta Valley USD Board of Education Meeting*  
21 *Before Break* (Aug. 10, 2023) YouTube at 1:01:53 [https://www.youtube.com/](https://www.youtube.com/watch?v=jjJrlixQuzw)  
22 [watch?v=jjJrlixQuzw](https://www.youtube.com/watch?v=jjJrlixQuzw) (“We know statistically that LGBTQ children . . . are disproportionately in  
the foster system and on the street. . . . That is for reasons of being told to leave or children’s  
23 lives being made so unbearable that they leave of their own will. Once on the street, they are  
doing unimaginable things to survive.”); *id.* at 2:42:52 (a police officer describing having  
24 encountered children being trafficked, self-medicating through substance use, or being abused  
after being disowned by their parents for being LGBTQ+).

25 <sup>31</sup> Brian Thoma et al., *Disparities in Childhood Abuse Between Transgender and Cisgender*  
*Adolescents*, 148(2) *Pediatrics* e2020016907 (2021), [https://publications.aap.org/pediatrics/](https://publications.aap.org/pediatrics/article/148/2/e2020016907/179762/Disparities-in-Childhood-Abuse-Between-Transgender)  
26 [article/148/2/e2020016907/179762/Disparities-in-Childhood-Abuse-Between-Transgender](https://publications.aap.org/pediatrics/article/148/2/e2020016907/179762/Disparities-in-Childhood-Abuse-Between-Transgender);  
Andrea Roberts et al., *Childhood Gender Nonconformity: A Risk Indicator for Childhood Abuse*  
27 *and Posttraumatic Stress in Youth*, 129 *Pediatrics* 410, 413–414 (2012); see also Sandy James et  
28 al., *The Report of the 2015 U.S. Transgender Survey*, National Center for Transgender Equality  
(2016), <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

1 [T]hey didn't beat her, but they shamed her, isolated and  
2 emotionally abused her. . . . When they found out, they  
3 pulled her from school, took away her phone, and forbade  
4 her from seeing any friends. She killed herself before she  
5 was old enough to drive. Her parents didn't even give her  
a funeral because they said, "he [sic] lived in sin and he  
[sic] died in sin."<sup>32</sup>

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

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

21 By contrast, schools that eschew forced outing policies can be critical  
22 sources of support and safety for transgender, gender non-conforming, and other  
23 LGBTQ+ students. For many transgender students, school is a place where they  
24 can be their authentic selves safely, even when home is not—with one study  
25 showing that transgender and gender non-conforming youth were more likely to  
26 report finding affirming spaces at school (54%) than at home (38%).<sup>33</sup> These types  
of affirming school climates are a protective factor for LGBTQ+ students in terms

27 <sup>32</sup> Rocklin Unified School Board, *supra*, at 1:54:46.

28 <sup>33</sup> 2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People, The Trevor  
Project (2024), <https://www.thetrevorproject.org/survey-2024/#support-youth>.

1 of harassment and bullying, mental health, and safety.<sup>34</sup> Indeed, studies have found  
2 that transgender youth who were able to use names and pronouns corresponding to  
3 their gender identity experienced a 29% decrease in reported thoughts of suicide  
4 and a 56% decrease in suicidal behavior.<sup>35</sup>

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

9 [I]n high school, I began to learn and understand a little bit  
10 more about myself and who I was as an individual. All I  
11 needed was someone to hear me, but at that time, my  
12 family would not have understood what was going through  
13 my mind. A teacher listened. . . . Later on as an adult, it  
14 was my decision to come out to my family when I was  
15 ready and at my own time.<sup>36</sup>

16 A recent survey confirms this: LGBTQ+ youth with at least one accepting  
17 adult in their life were 30% less likely to report a suicide attempt in the past year.<sup>37</sup>  
18 And numerous other studies have shown that a transgender young person’s access  
19 to a safe adult at school leads to higher GPAs, fewer absences from school, and  
20 feeling less victimized and more connected to the school.<sup>38</sup>

21 <sup>34</sup> Enoch Leung et al., *Social Support in Schools and Related Outcomes for LGBTQ Youth: A*  
22 *Scoping Review*, 1 Discover Ed. (2022), [https://link.springer.com/article/10.1007/s44217-022-](https://link.springer.com/article/10.1007/s44217-022-00016-9)  
23 [00016-9](https://link.springer.com/article/10.1007/s44217-022-00016-9); April Ancheta et al., *The Impact of Positive School Climate on Suicidality and Mental*  
24 *Health Among LGBTQ Adolescents: A Systematic Review*, 37 Journal of School Nursing 75  
25 (2020), <https://journals.sagepub.com/doi/10.1177/1059840520970847>.

26 <sup>35</sup> Stephen Russell et al., *Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal*  
27 *Ideation, and Suicidal Behavior Among Transgender Youth*, 63 Journal Adolescent Health 503,  
28 505 (2018); Amanda Pollitt et al., *Predictors and Mental Health Benefits of Chosen Name Use*  
Among Transgender Youth, 53(2) Youth & Soc’y 320 (2021).

<sup>36</sup> Orange Unified School District, *supra*, at 5:14:15–5:15:21.

<sup>37</sup> *Acceptance from Adults is Associated with Lower Rates of Suicide Attempts Among LGBTQ*  
Young People, The Trevor Project (Sept. 22, 2023), [https://www.thetrevorproject.org/research-](https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023)  
[briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-](https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023)  
[young-people-sep-2023](https://www.thetrevorproject.org/research-briefs/acceptance-from-adults-is-associated-with-lower-rates-of-suicide-attempts-among-lgbtq-young-people-sep-2023).

<sup>38</sup> See, e.g., Kristie Seelman et al., *School engagement among LGBTQ high school students: The*  
*roles of safe adults and gay–straight alliance characteristics*, 57 Child. & Youth Servs. Rev. 19

(cont’d)



1 Similarly, research shows that transgender and gender non-conforming  
2 young people who were able to come out on their own terms and felt accepted by a  
3 parent or caregiver had significantly better health outcomes, including around 40%  
4 lower odds of attempting suicide, compared to young people who were out but did  
5 not feel accepted.<sup>39</sup> In fact, when individuals in the LGBTQ+ community have  
6 space to come out on their own terms, it increases the likelihood of coming out,  
7 whereas “[p]erceiving a social context as controlling in nature”—e.g., forced  
8 outing policies—“may be a barrier to disclosure . . . and a risk factor for  
9 concealment.”<sup>40</sup>

10 When schools allow LGBTQ+ students to express their authentic selves on  
11 their own terms, the benefits are innumerable. As one Clovis Unified School  
12 District student summed it up: “This situation is more than just a young person  
13 wanting to experiment with a new identity. It’s safety in knowing that they have a  
14 place where they can freely be who they are.”<sup>41</sup>

## 15 CONCLUSION

16 Forced outing policies single out transgender and gender non-conforming  
17 students for adverse treatment, subject them to a punitive rule that applies to no  
18 other group of students, and send a message to the entire school community that  
19 certain gender identities are dangerous and must be suppressed. These policies  
20

21  
22 (2015), <https://www.sciencedirect.com/science/article/abs/pii/S0190740915300281>; Jenifer  
23 McGuire et al., *School climate for transgender youth: a mixed method investigation of student  
experiences and school responses*, 39 J. of Youth & Adolescence 1175 (2010),  
<https://pubmed.ncbi.nlm.nih.gov/20428933>.

24 <sup>39</sup> The Trevor Project, *supra* note 37; *see also, e.g.*, Lisa Simons et al., *Parental Support and  
Mental Health Among Transgender Adolescents*, 53 J. of Adolescent Health 791 (2013),  
25 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3838484>.

26 <sup>40</sup> Nicole Legate et al., *Is Coming Out Always a “Good Thing”?* *Exploring the Relations of  
Autonomy Support, Outness, and Wellness for Lesbian, Gay, and Bisexual Individuals*, 3(2) Soc.  
27 Psych. & Personality Sci. 145 (2012), [https://selfdeterminationtheory.org/SDT/documents/  
2012\\_LegateRyanWeinstein\\_SPPS.pdf](https://selfdeterminationtheory.org/SDT/documents/2012_LegateRyanWeinstein_SPPS.pdf).

28 <sup>41</sup> Clovis Unified School District, *CUSD Board Meeting 9/20/23* (Sept. 20, 2023) available at  
2:53:30 <https://cmac.tv/show/cusd-board-meeting-9-20-23/>.

1 cause irreparable harm not only to transgender and gender non-conforming  
2 students but also to the broader school community.

3 On the other hand, when LGBTQ+ young people feel safe to come out on  
4 their own terms and can be their authentic selves at school, they are significantly  
5 more likely to thrive socially, emotionally, and academically. The SAFETY Act  
6 helps ensure that this is possible for transgender and gender non-conforming  
7 students in California.

8 For these reasons, this Court should deny Plaintiffs' motion for preliminary  
9 injunction.

10  
11 Date: May 9, 2025

Respectfully submitted,

12 /s/ Christine Parker

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

CITY OF HUNTINGTON BEACH,  
a California Charter City, and  
Municipal Corporation; PARENTS  
1A-9A,

Plaintiffs,

v.

GAVIN NEWSOM, in his official  
capacity as Governor of the State of  
California; ROBERT BONTA, in  
his official capacity as Attorney  
General of the State of California;  
and TONY THURMOND, in his  
official capacity as California State  
Superintendent of Public Instruction,

Defendants.

8:24-cv-02017 CBM (JDEx)

**[PROPOSED] ORDER**

Date: June 10, 2025

Time: 10:00 AM

Courtroom: 8D

Judge: Honorable Consuelo B. Marshall

Trial Date: N/A

Action Filed: September 17, 2024

**[PROPOSED] ORDER**

After a full consideration of the papers filed in support of proposed amici curiae the American Civil Liberties Union of Southern California, the American Civil Liberties Union of Northern California, and the American Civil Liberties Union of San Diego and Imperial Counties' Unopposed Motion for Leave to File Brief of Amici Curiae in Support of Defendants' Opposition to Motion for Preliminary Injunction, any other papers submitted in support of or opposition to the motion, any argument of counsel, and good cause appearing therefor:

**IT IS HEREBY ORDERED THAT:**

1. The Unopposed Motion for Leave to File Brief of Amici Curiae ACLU of Southern California, et al., in Support of Defendants' Opposition to Motion for Preliminary Injunction is GRANTED; and

2. The [Proposed] Brief of Amici Curiae ACLU of Southern California, et al., in Support of Defendants' Opposition to Motion for Preliminary Injunction filed concurrently with the motion for leave is deemed filed as of the date of this order.

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

\_\_\_\_\_  
The Honorable Consuelo B. Marshall  
United States District Judge