

1 Harmeet K. Dhillon (SBN 207873)
Harmeet@DhillonLaw.com
2 DHILLON LAW GROUP INC.
177 Post Street, Suite 700
3 San Francisco, CA 94108
Telephone: (415) 433-1700
4

Mark Trammell*
5 MTrammell@LibertyCenter.org
Joshua W. Dixon*
6 JDixon@LibertyCenter.org
Eric A. Sell*
7 ESell@LibertyCenter.org
CENTER FOR AMERICAN LIBERTY
8 1311 South Main Street, Suite 302
Mount Airy, MD 21771
9 Telephone: (703) 687-6200

10 *Attorneys for Plaintiff*
*Pro Hac Vice Motions Forthcoming
11

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 AURORA REGINO,

15 *Plaintiff,*

16 v.

17 SUPERINTENDENT KELLY STALEY, in
her official capacity; CAITLIN DALBY, in
18 her official capacity; REBECCA KONKIN,
in her official capacity; TOM LANDO, in
19 his official capacity; EILEEN ROBINSON,
in her official capacity; and MATT
20 TENNIS, in his official capacity,

21 *Defendants.*
22
23

Case No. _____

VERIFIED COMPLAINT

Jury Trial Demanded

1 Plaintiff, Aurora Regino, by and through her undersigned counsel, states the
2 following claims for relief against Defendants, each in their official capacity only, and
3 respectfully requests that this Court render a declaratory judgment and preliminary
4 and permanent injunction against Defendants' ongoing violations of the United
5 States Constitution as set forth herein. In support of her claims, Ms. Regino states as
6 follows:

7 INTRODUCTION

8 1. The Due Process Clause of the Fourteenth Amendment to the United
9 States Constitution protects parents' fundamental right to direct the upbringing of
10 their children. This protection includes parents' right to be involved in the decision-
11 making process when a public school decides to socially transition their children from
12 one gender to another.¹ Social transitioning is a powerful psychological intervention
13 affecting a matter of major importance to a child's life—namely, his or her gender
14 identity. Absent a compelling state interest, which is not present here, public schools
15 may not socially transition children without first informing and receiving consent
16 from their parents.

17 2. Like many public-school districts in California, the Chico Unified School
18 District (the "District") has adopted a policy (the "Parental Secrecy Policy" or the
19 "Policy") under which schools in the District will (1) socially transition students who
20

21 ¹ "Social transitioning" refers to the active affirmation of a transgender identity. *See* Affidavit of Dr.
22 Stephen B. Levine, dated January 5, 2023 ("Levine Affidavit") ¶ 12f, attached hereto as Exhibit A. In
23 children, it includes things like calling the child by a new name associated with their new gender, referring to the child by pronouns associated with their new gender, and allowing the child to use public bathrooms associated with their new gender. *Id.*

1 express a desire to live as a gender different from that associated with their biological
2 sex while (2) keeping the social transitioning secret from their parents unless the
3 student specifically authorizes the school to inform them. Under the Parental Secrecy
4 Policy, schools in the District are prompting students to question their sexuality and
5 gender, facilitating their social transition to a new gender identity, and integrating
6 this new person into the school ecosystem, all without informing or receiving consent
7 from their parents. Even if the parents would be supportive of their children—as Ms.
8 Regino was here—the Parental Secrecy Policy precludes parents from being a part of
9 this significant and formative event in their children’s lives.

10 3. Ms. Regino’s oldest daughter, A.S., was a fifth-grade student at an
11 elementary school operated by the District during the 2021–2022 school year. In early
12 2022, when A.S. was eleven years old, she informed a school counselor that she “felt
13 like a boy.” Within minutes of A.S. making that statement, the counselor encouraged
14 A.S. to adopt a male identity, which included using a male name and male pronouns.
15 After the meeting, the counselor walked A.S. back to class and informed A.S.’s teacher
16 about A.S.’s new identity. Over the following months, the District used A.S.’s male
17 name and pronouns while at school, and the school counselor provided A.S. with
18 additional information about continuing her transition to a male identity. All of this
19 was kept hidden from A.S.’s mother.

20 4. After several weeks of A.S. identifying as a boy at school, Ms. Regino
21 learned about A.S.’s new gender identity. Ms. Regino was supportive of A.S. but upset
22 that the school had not even informed her that it was socially transitioning her
23

1 daughter from a girl to a boy. She tried to encourage the District to abandon the
2 Parental Secrecy Policy in favor of a policy that would involve parents in students'
3 gender transitions, but she was told that the Policy was required by California law.
4 This is false.

5 5. Despite the District's efforts to socially transition A.S. to a boy, she has,
6 for now, returned to identifying as a girl. She believes her feelings of gender confusion
7 were brought on by the stress of other difficulties in her life. She attends regular
8 counseling sessions with a private therapist to help her to cope with these stressors.

9 6. By socially transitioning A.S. without informing Ms. Regino or obtaining
10 her consent, the District violated Ms. Regino's fundamental right to direct the
11 upbringing of her child. Parents, not schools, have the right and responsibility to
12 make major life decisions on behalf of their minor children. That right is infringed
13 when schools socially transition children from one gender to another without
14 involving their parents.

15 7. Ms. Regino brings this action to vindicate that right. Both of her children
16 still attend school in the District, and the District continues to adhere to the Parental
17 Secrecy Policy. Accordingly, Ms. Regino's parental rights are subject to an ongoing
18 threat. She seeks (1) a declaratory judgment declaring the Parental Secrecy Policy
19 unconstitutional and (2) a preliminary and permanent injunction precluding the
20 District from continuing to enforce the Policy.

21 JURISDICTION AND VENUE

22 8. This action arises under the Fourteenth Amendment to the United
23 States Constitution, 42 U.S.C. § 1983, and 28 U.S.C. §§ 2201 and 2202.

1 Information/index.html, last visited on January 5, 2023, attached hereto as Exhibit
2 D. The Board and its five Members are responsible for oversight, operations, and
3 policy, which includes but is not limited to the Parental Secrecy Policy. *See id.*

4 14. Defendant Caitlin Dalby is a Member of the Board. *See id.* In this
5 capacity, Ms. Dalby is responsible for oversight, operations, and policy, including but
6 not limited to the Parental Secrecy Policy, at the schools within the District. *See id.*
7 At all times relevant to this Complaint, Ms. Dalby was and will be acting under color
8 of California law while performing her duties as a Board Member. Ms. Dalby is sued
9 in her official capacity only.

10 15. Defendant Rebecca Konkin is a Member of the Board. *See id.* In this
11 capacity, Ms. Konkin is responsible for oversight, operations, and policy, including
12 but not limited to the Parental Secrecy Policy, at the schools within the District. *See*
13 *id.* At all times relevant to this Complaint, Ms. Konkin was and will be acting under
14 color of California law while performing her duties as a Board Member. Ms. Konkin
15 is sued in her official capacity only.

16 16. Defendant Tom Lando is a Member of the Board. *See id.* In this capacity,
17 Mr. Lando is responsible for oversight, operations, and policy, including but not
18 limited to the Parental Secrecy Policy, at the schools within the District. *See id.* At
19 all times relevant to this Complaint, Mr. Lando was and will be acting under color of
20 California law while performing his duties as a Board Members. Mr. Lando is sued
21 in his official capacity only.

22 17. Defendant Eileen Robinson is a Member of the Board. *See id.* In this
23

1 capacity, Ms. Robinson is responsible for oversight, operations, and policy, including
2 but not limited to the Parental Secrecy Policy, at the schools within the District. *See*
3 *id.* At all times relevant to this Complaint, Ms. Robinson was and will be acting under
4 color of California law while performing her duties as a Board Member. Ms. Robinson
5 is sued in her official capacity only.

6 18. Defendant Matt Tennis is a Member of the Board. *See id.* In this
7 capacity, Mr. Tennis is responsible for oversight, operations, and policy, including but
8 not limited to the Parental Secrecy Policy, at the schools within the District. *See id.*
9 At all times relevant to this Complaint, Mr. Tennis was and will be acting under color
10 of California law while performing his duties as a Board Member. Mr. Tennis is sued
11 in his official capacity only.

12 19. Defendant Kelly Staley is the Superintendent of the District. *See*
13 <http://www.chicousd.org/Our-District/Superintendent/index.html>, last visited on
14 January 5, 2023, attached hereto as Exhibit E. In this capacity, Ms. Staley is
15 responsible for overseeing the implementation of all District policies, including the
16 Parental Secrecy Policy, and she has ultimate supervisory authority over all District
17 employees, which includes all employees working at the schools within the District.
18 At all times relevant to this Complaint, Ms. Staley and was and will be acting under
19 color of California law while performing her duties as Superintendent. Ms. Staley is
20 sued in her official capacity only.

FACTUAL ALLEGATIONS

The Parental Secrecy Policy

20. The District has adopted and implemented the Parental Secrecy Policy. Under this Policy, which is a policy, practice, procedure, and / or custom of the District, schools will (1) socially transition students who express a desire to live as a gender different from that associated with their biological sex while (2) keeping the social transitioning secret from their parents unless the student specifically authorizes the school to inform them. On information and belief, for the reasons set forth in Paragraph 53, the District applies the Parental Secrecy Policy at all schools within the District.

21. Under the Policy, schools accomplish social transitioning of students by, among other things, referring to students by a new name associated with their new gender, referring to students by pronouns associated with their new gender, and allowing students to use bathrooms associated with their new gender.

A.S. Joins Ms. Robinson’s “Girls Group” at Sierra View

22. Ms. Regino’s oldest daughter, A.S., is a twelve-year-old biological female. She is currently in sixth grade at Marsh Junior High (“Marsh”), one of the junior high schools in the District. During the 2021–2022 school year, A.S. attended fifth grade at Sierra View Elementary School (“Sierra View”), which is also in the District.

23. In the fall of 2021, A.S. began feeling depressed and anxious. She had just begun puberty, and there had been significant changes in her home life over the preceding months. Her grandfather had recently passed away and her mother (Ms.

1 Regino) had just completed treatment for breast cancer and was in the process of
2 obtaining a degree in nursing. A.S.'s father is disabled due to an injury from an
3 automobile accident and, as a result of the changes at home, A.S. began taking on a
4 greater role in caring for her younger sister, C.S., who was seven years old at the
5 time. The confluence of these events left A.S. feeling mentally exhausted and
6 emotionally confused.

7 24. Mandi Robertson was a school counselor at Sierra View. Throughout the
8 2021–2022 school year, Ms. Robertson regularly visited A.S.'s class to remind them
9 of the services the counselor's office provides.

10 25. One topic that Ms. Robertson regularly raised with the students was
11 sexuality and gender identity. She would encourage students to explore their identity
12 and consider whether they felt like they were not the gender associated with their
13 biological sex. She explained that such feelings were normal and that students should
14 embrace them.

15 26. A.S. took Ms. Robertson's advice. She wondered if her new feelings of
16 anxiety and depression were because she was born the wrong gender. Around
17 December 2021, A.S. began feeling like she might be a boy. These feelings were the
18 result of her exploring her identity consistent with Ms. Robertson's instructions.

19 27. In December 2021, before winter break, A.S. met with Ms. Robertson to
20 discuss her feelings. At that meeting, A.S. did not mention that she felt like a boy.
21 Ms. Robertson encouraged A.S. to join a small group of other girls around her age
22 that she (Ms. Robertson) organized when school resumed the following month (the
23

1 “Girls Group”). Ms. Robertson told A.S. that the group was primarily focused on arts
2 and crafts, and that the group would be a good opportunity for A.S. to make new
3 friends. Ms. Robertson provided A.S. with a permission slip for participation in the
4 Girls Group to take home for her mother to sign.

5 28. Ms. Regino agreed that an arts-and-crafts group would facilitate
6 positive social interaction for A.S. with other girls her own age and could help A.S.
7 with her anxiety and depression. Ms. Regino approved of her daughter joining the
8 Girls Group and signed the permission slip allowing A.S. to participate in the group
9 once school began in the spring semester of 2022. The permission slip was for
10 attendance at the Girls Group only, and *not* for one-on-one meetings with Ms. Robertson.

11 29. On or about January 20, 2022, A.S. attended her first Girls Group
12 meeting. The meetings included A.S. and about four of her female classmates, whose
13 ages ranged from 10 to 12 years old. The first one or two meetings of the Girls Group
14 were geared towards arts and crafts, as A.S. anticipated, but the subject of the
15 meetings quickly changed.

16 **Ms. Robertson and the District Socially Transition A.S.**

17 30. After one or two Girl’s Group meetings, A.S. went to Ms. Robertson’s
18 office to tell her that she “felt like a boy” or words of similar effect. Ms. Robertson
19 asked A.S. if she had a boy’s name that she would like to be called and whether she
20 would like to be referred to by male pronouns. A.S. was unsure whether she wanted
21 others at school to start calling her by a male name and pronouns, but she felt
22 pressured by Ms. Robertson, so she responded in the affirmative and told Ms.
23

1 Robertson her boy's name was "J.S." During this meeting, Ms. Robertson did not
2 discuss A.S.'s feelings of anxiety and depression. Instead, the discussion focused
3 solely on how to effect A.S.'s social transition to a boy.

4 31. After the meeting, Ms. Robertson walked A.S. back to her classroom and
5 told her teacher that A.S. was now going by the name "J.S." and male pronouns, and
6 her teacher immediately began referring to her as such. Soon thereafter, other
7 teachers and school employees also began referring to A.S. by "J.S." and male
8 pronouns. A.S. did not fully understand what was happening, and she never
9 authorized—or wanted—any District personnel other than Ms. Robertson or her
10 teacher to refer to her by "J.S." or male pronouns.

11 32. Once A.S. "came out" to Ms. Robertson, the Girls Group meetings
12 changed substantially. Instead of arts-and-craft projects, Ms. Robertson now led A.S.
13 and her female classmates in a discussion regarding sexuality and gender identity.
14 They discussed how to cope with feeling like a different gender—specifically, how
15 embracing these feelings and transitioning can alleviate the pain and anxiety of living
16 as the wrong gender.

17 33. Over the course of the spring semester of 2022, A.S. had two additional
18 one-on-one meetings with Ms. Robertson. At these meetings, Ms. Robertson provided
19 A.S. with additional resources regarding her new male identity, such as referring A.S.
20 to a local community group that advocates for LGBTQ+ causes and discussing "breast
21 binding" with her.² A.S. told Ms. Robertson that she wanted to tell her mother about

22 _____
23 ² "Breast binding" is the flattening of a biological female's breasts with constrictive clothing to make
the chest appear flat.

1 her new identity, but Ms. Robertson was not supportive of this course of action. She
2 brushed off A.S.'s request and encouraged her to speak with other family members
3 first. At no time did Ms. Robertson suggest A.S. should discuss her feelings with a
4 mental health professional.

5 34. During this time, school personnel continued referring to A.S. by her
6 new name and pronouns. Every day at school, A.S. was known as "J.S." and referred
7 to with male pronouns, while at home, she remained A.S. Despite requiring a
8 parental permission slip for A.S. to participate in an arts-and-crafts club, the District
9 socially transitioned A.S. from a girl to a boy without even *informing* her mother,
10 much less obtaining her permission to do so.

11 **A.S. "Comes Out" to her Grandmother but Returns to her Female Identity**

12 35. On or about April 8, 2022, A.S. told her grandmother about her new
13 identity. A.S.'s grandmother informed Ms. Regino of the news later that day.

14 36. Ms. Regino was surprised to learn of A.S.'s transition, and she was
15 shocked that the District had socially transitioned A.S. without involving her, but she
16 was—and is—supportive of her daughter. All she wanted—and wants—was for her
17 daughter to be happy and healthy in whatever identity she chooses. Ms. Regino
18 informed A.S. of her support and told her she would assist her with her transition if
19 that was what she wanted. In addition, Ms. Regino arranged for A.S. to begin
20 attending counseling sessions with a licensed marriage and family therapist to
21 discuss her feelings of depression and anxiety.

22 37. Although Ms. Regino was supportive of her daughter, had Ms. Regino
23

1 been involved in the process, she would not have allowed Sierra View to socially
2 transition her daughter without first seeking guidance from a mental health
3 professional. Ms. Regino arrived at this view for several reasons, including but not
4 limited to: A.S.'s young age; the quick onset of A.S.'s feelings of gender confusion; the
5 fact that those feelings appeared to have originated with Ms. Robertson, not A.S.; the
6 existence of other stressors in A.S.'s life that could potentially explain her feelings of
7 gender confusion; and the short duration of A.S.'s feelings of gender confusion.

8 38. Even before A.S. "came out" to her grandmother, she had already begun
9 to question whether she really felt like a boy or wanted to use her male name and
10 male pronouns. But because the Sierra View community now viewed her as a boy,
11 called her by a male name, and referred to her using male pronouns, A.S. felt like she
12 was stuck in the new identity, which she inhabited for the remainder of her fifth-
13 grade year. Her depression and anxiety worsened to the point where she wanted to
14 transfer to a different school.

15 39. Over the rest of the spring semester and summer of 2022, A.S.'s feelings
16 about being a boy continued to desist.

17 40. A.S. was slated to begin sixth grade at Marsh Junior High School
18 ("Marsh"), another school within the District, for the 2022–2023 school year. In
19 addition, C.S. was slated to begin third grade at Sierra View for the 2022–2023 school
20 year.

21 41. By the beginning of the 2022–2023 school year, A.S. began identifying
22 as a girl again. While she continues to identify as a girl, she is still in counseling for
23

1 her depression and anxiety.

2 **Ms. Regino Tries to Persuade the District to Abandon the Policy**

3 42. Soon after learning that the District had socially transitioned A.S. and
4 kept it a secret from her, Ms. Regino had several telephone calls, in-person meetings,
5 and email exchanges with District personnel in which she expressed her concerns
6 about the District's actions.

7 43. In April of 2022, The District's Director of Elementary Education, Ted
8 Sullivan, informed Ms. Regino that California law required schools to socially
9 transition students without informing their parents unless the student authorizes
10 them to do so.

11 44. In addition, Mr. Sullivan emailed Ms. Regino a link to an "FAQ" page on
12 the California Department of Education ("DOE") website regarding Assembly Bill
13 1266 ("AB 1266"). *See* <https://www.cde.ca.gov/re/di/eo/faqs.asp>, last visited on
14 January 5, 2023, attached hereto as Exhibit F, the entirety of which is expressly
15 incorporated by reference under Rule 10(c) of the Federal Rules of Civil Procedure as
16 if stated verbatim herein. AB 1266 was legislation, now codified at Cal. Ed. Code. §
17 221.5, designed to prohibit discrimination in schools based on gender identity.

18 45. On the FAQ page, the California DOE set forth guidance to "assist school
19 districts with understanding and implementing policy changes related to AB 1266."
20 *Id.* The guidance states that, when a transgender student "so chooses, [school]
21 personnel *shall be required to address the student by a name and the pronouns*
22 *consistent with the student's gender identity*, without the necessity of legal
23

1 documentation or a change to the student’s official district record.” *Id.* (emphasis
2 added). It further provides that “schools must consult with [the] transgender student
3 to determine who can or will be informed of the student’s transgender status, *if*
4 *anyone, including the student’s family.*” *Id.* (emphasis added). And it provides that
5 “with rare exceptions, schools are required to respect the limitations that a student
6 places on the disclosure of their transgender status, *including not sharing that*
7 *information with the student’s parents.*” *Id.* (emphasis added).

8 46. Mr. Sullivan informed Ms. Regino that, based on this guidance, the
9 Parental Secrecy Policy was required by California law.

10 47. The guidance, however, does not purport to have the force of law, nor
11 does AB 1266 (or any other provision of California law) require schools to adopt the
12 Parental Secrecy Policy. Instead, as relevant here, AB 1266 provides only that
13 California public schools must allow students to “participate in sex-segregated school
14 programs and activities . . . and use facilities consistent with his or her gender
15 identity.” *See* Calif. Educ. Code § 221.5(f). Moreover, even if California law required
16 schools to adopt the Parental Secrecy Policy (and it does not), such law would be in
17 violation of parents’ fundamental right to direct the upbringing of their children.

18 48. As the 2021–2022 school year came to a close, Ms. Regino became
19 concerned that (1) District employees at Marsh could attempt to socially transition
20 A.S. without informing her, like they had done at Sierra View, and (2) District
21 employees at Sierra View could also attempt to transition C.S. without her
22 knowledge, as they had done with her sister. Disappointed by her exchange with Mr.
23

1 Sullivan, Ms. Regino reached out to other District administrators in an effort to
2 convince them that the District should not follow the Parental Secrecy Policy any
3 longer.

4 49. On or about May 5, 2022, Ms. Regino met with the District's Deputy
5 Superintendent, Jay Marchant. Mr. Marchant, like Mr. Sullivan, informed Ms.
6 Regino that the Parental Secrecy Policy was required by California law.

7 50. On or about August 9, 2022, Ms. Regino again met with Mr. Marchant,
8 this time to seek to transfer her younger daughter, C.S., out of Sierra View and into
9 a different school within the District, away from Ms. Robertson. On or about August
10 22, 2022, the District granted Ms. Regino's request, authorizing C.S. to transfer to
11 Parkview, another school within the District.

12 51. Ms. Regino continued to press District administration for assurances
13 that it would no longer enforce the Parental Secrecy Policy. On or about October 10,
14 2022, Ms. Regino met with the District's Superintendent, Kelly Staley, to discuss the
15 issue. In that meeting, Ms. Staley, like Mr. Sullivan and Mr. Marchant, informed Ms.
16 Regino that the Parental Secrecy Policy was required by California law.

17 52. On October 31, 2022, Ms. Regino emailed Superintendent Staley to
18 reiterate her concerns with the Parental Secrecy Policy. On or about November 2,
19 2022, in response to Ms. Regino's follow-up email, Ms. Staley confirmed that the
20 District would continue to apply the Parental Secrecy Policy at its schools, informing
21 Ms. Regino that the District "must work within the confines of the law."

22 53. On information and belief, the District applies the Parental Secrecy
23

1 Policy, which includes all of terms listed on the California DOE's guidance document
2 (Exhibit F), at all of its schools, including but not limited to Marsh and Parkview.
3 While Ms. Regino does not have first-hand knowledge of these facts, these allegations
4 are based on the facts that: (1) the California DOE asserts that the provisions of
5 Exhibit F are required by AB 1266; (2) Mr. Sullivan emailed Ms. Regino a link to
6 Exhibit F in response to her questions about the Policy; and (3) Ms. Staley, Mr.
7 Marchant, and Mr. Sullivan all informed Ms. Regino that it was their belief that
8 California public schools were required to enforce the Parental Secrecy Policy, a
9 conclusion that would apply to all of the schools in the District. Based on this fact,
10 the only reasonable conclusion is that the Parental Secrecy Policy, as set forth in
11 Exhibit F, applies at all of the schools in the District, including but not limited to
12 Marsh and Parkview, where Ms. Regino's daughters now attend.

13 **The Threat to Ms. Regino's Rights is Ongoing**

14 54. Ms. Regino respects her daughters' life choices and will be supportive of
15 them no matter what those choices ultimately may be. Ms. Regino simply wants to
16 be involved in her daughters' lives and with choices that have fundamental
17 importance to them, such as choices regarding their gender identity. Because the
18 District applies the Parental Secrecy Policy at the schools Ms. Regino's daughters
19 attend, the Policy presents a real, imminent, and credible threat to her parental right
20 to direct their upbringing insofar as it operates to keep decisions regarding her
21 children's changed gender identities secret from her and allows such decisions to be
22 made without her involvement. Given the quick onset of A.S.'s prior episode of gender
23

1 confusion, the continuing existence of stressors in her life, and her ongoing anxiety
2 and depression, the reoccurrence of her prior feelings could happen at any time.
3 Moreover, the same confusion could appear in C.S. at any time, especially considering
4 the two girls' consanguinity and similar life experiences. Further, the District refused
5 to disavow the Parental Secrecy Policy and, by definition, that Policy requires District
6 employees to hide information from parents, thus disrupting one of the primary
7 channels of parental knowledge about their children—namely, their schools. For this
8 reason, Ms. Regino is subject to a real, imminent, and realistic danger that the
9 Parental Secrecy Policy will (again) deprive her of the ability to be involved in the
10 fundamental decisions in her children's lives.

11 55. So long as the Parental Secrecy Policy (or a similar policy) is in place,
12 Ms. Regino faces the constant threat of constitutional harm.

13 CAUSES OF ACTION
14 COUNT ONE
15 Facial Challenge to Parental Secrecy Policy
Under 42 U.S.C. § 1983
Substantive Due Process

16 56. Ms. Regino hereby incorporates by reference all other paragraphs of this
17 Complaint as though fully set forth herein.

18 57. The Due Process Clause of the Fourteenth Amendment to the United
19 States Constitution protects the fundamental rights of parents to direct the
20 upbringing of their children; to make decisions concerning the care, custody, and
21 control of their children; to direct the medical and mental health decision-making for
22 their children; and to make private familial decisions regarding their children
23 without undue interference by the state. These fundamental rights are deeply rooted

1 in our nation's history and tradition and implicit in the concept of ordered liberty.

2 58. On its face, the Parental Secrecy Policy violated in the past—and
3 threatens to violate in the future—Ms. Regino's fundamental right to direct the
4 upbringing of her children; to make decisions concerning the care, custody, and
5 control of her children; to direct the medical and mental health decision-making for
6 her children; and to make private familial decisions regarding her children without
7 undue interference by the state.

8 59. The Parental Secrecy Policy violated—and threatens to violate—Ms.
9 Regino's rights in the following ways, as explained in more detail in the Levine
10 Affidavit (Exhibit A), the entirety of which is expressly incorporated by reference
11 under Rule 10(c) of the Federal Rules of Civil Procedure as if stated verbatim herein:

- 12 a. The Parental Secrecy Policy authorizes children to make mature,
13 consequential, private, and potentially life-altering decisions
14 without parental knowledge or consent by excluding parents
15 from the decision-making process on these matters;
- 16 b. The Parental Secrecy Policy takes from parents and arrogates to
17 District personnel the authority to make these consequential,
18 private, and potentially life-altering decisions for their children
19 by excluding parents from the decision-making process and
20 placing decision-making authority in District personnel;
- 21 c. The Parental Secrecy Policy takes from parents the authority to
22 make these consequential, private, and potentially life-altering
23

1 decisions for their children by excluding parents from the
2 decision-making process and placing decision-making authority
3 in their children;

4 d. The Parental Secrecy Policy assumes that parents are not fit
5 parents, capable of making decisions on behalf of their children,
6 which both (1) violates the constitutionally mandated
7 presumptions of fitness and affection unless proven otherwise
8 and (2) impermissibly sows seeds of doubt in children's mind
9 about whether their parents are acting in their best interests,
10 thus creating a rift in the parent-child relationship;

11 e. The Parental Secrecy Policy usurps parents' responsibility as
12 the ultimate decision-maker regarding their children's mental
13 health and well-being, including but not limited to decisions
14 related to their gender identity and expression, and assigns that
15 responsibility to the District;

16 f. The Parental Secrecy Policy conceals important information
17 from parents about their children's mental health and well-
18 being, thus precluding them from taking actions that they would
19 deem in their children's best interests if they were provided with
20 the relevant information;

21 g. The Parental Secrecy Policy authorizes the District to engage in
22 significant psychological treatment of children, in the form of
23

1 socially transitioning them to a new gender, without parents'
2 knowledge or consent. When the District socially transitions a
3 student, it is engaging in medical treatment of the child without
4 parents' knowledge or consent;

5 h. The Parental Secrecy Policy results in the District providing
6 substandard psychological treatment of children because
7 parental involvement—and their deep knowledge of their
8 children over their life course, family interactions, and extra-
9 circular environment—is crucial in their diagnosis, assessment,
10 and treatment;

11 i. The Parental Secrecy Policy results in the District providing
12 substandard psychological treatment of children because it
13 assumes that immediate and unqualified affirmation is the only
14 permissible response to a child exhibiting gender confusion
15 whereas, in reality, such a “one size fits all” approach to these
16 issues is a blunt instrument that fails to account for the unique
17 facts involved in each situation;

18 j. The Parental Secrecy Policy results in the District providing
19 substandard psychological treatment of children because District
20 personnel are not trained mental health practitioners in the field
21 and thus are not qualified to provide students expressing gender
22 confusion the care they need;

23

1 k. The Parental Secrecy Policy results in the District providing
2 substandard psychological treatment of children because
3 creating a situation where a child performs different gender
4 identities and roles at home and school is inherently
5 psychologically unhealthy for the child; and

6 l. The Parental Secrecy Policy results in the District providing
7 unconsented-to psychological treatment because: (1) children are
8 cognitively incapable of giving informed consent to life-altering
9 psychological interventions like social transitioning and the
10 more-drastring gender-affirming care that is likely to follow; (2)
11 District personnel do not have sufficient knowledge of the
12 complexities and risks inherent in the field to provide students
13 sufficient information that they could provide informed consent
14 even if they were cognitively capable of doing so; and (3) District
15 personnel do not have sufficient knowledge of the complexities
16 and risks inherent in the field to themselves evaluate whether
17 social transitioning is appropriate and ethical treatment.

18 60. The Parental Secrecy Policy is not narrowly tailored to any compelling
19 governmental purpose, does not further any important government purpose, and is
20 not supported by any rational basis.

21 61. Ms. Regino has no adequate remedy at law for these deprivations and
22 will suffer serious and irreparable harm to her constitutional rights unless
23

1 Defendants are enjoined as set forth herein.

2 62. Ms. Regino is entitled to declaratory relief and preliminary and
3 permanent injunctive relief invalidating and restraining Defendants from their
4 ongoing violations of her constitutional rights as set forth herein.

5 COUNT TWO
6 As-Applied Challenge to Parental Secrecy Policy
7 Under 42 U.S.C. § 1983
8 Substantive Due Process

9 63. Ms. Regino hereby incorporates by reference all other paragraphs of this
10 Complaint as though fully set forth herein, including but not limited to the Levine
11 Affidavit.

12 64. Defendants' application of the Parental Secrecy Policy to Ms. Regino also
13 violated in the past—and threatens to violate in the future—her parental rights for
14 all of the ways previously set forth herein, including but not limited to the ways set
15 forth in Paragraph 59, including all subparts.

16 65. The District's actions toward Ms. Regino as alleged herein are not
17 narrowly tailored to any compelling governmental purpose, do not further any
18 important government purpose, and are not supported by any rational basis.

19 66. Ms. Regino has no adequate remedy at law for these deprivations and
20 will suffer serious and irreparable harm to her constitutional rights unless
21 Defendants are enjoined as set forth herein.

22 67. Ms. Regino is entitled to declaratory relief and preliminary and
23 permanent injunctive relief invalidating and restraining Defendants from their

1 ongoing violations of her constitutional rights as set forth herein.

2 COUNT THREE
3 Facial Challenge to Parental Secrecy Policy
4 Under 42 U.S.C. § 1983
5 Procedural Due Process

6 68. Ms. Regino hereby incorporates by reference all other paragraphs of this
7 Complaint as though fully set forth herein, including but not limited to the Levine
8 Affidavit.

9 69. On its face, the Parental Secrecy Policy violated in the past—and
10 threatens to violate in the future—Ms. Regino’s fundamental right to direct the
11 upbringing of her children; to make decisions concerning the care, custody, and
12 control of her children; to direct the medical and mental health decision-making for
13 her children; and to make private familial decisions regarding her children without
14 undue interference by the state without providing adequate procedural safeguards,
15 including a thorough investigation, notice, and an opportunity to be heard with
16 respect to the deprivation of parents’ parental rights.

17 70. Ms. Regino has no adequate remedy at law for these deprivations and
18 will suffer serious and irreparable harm to her constitutional rights unless
19 Defendants are enjoined as set forth herein.

20 71. Ms. Regino is entitled to declaratory relief and preliminary and
21 permanent injunctive relief invalidating and restraining Defendants from their
22 ongoing violations of her constitutional rights as set forth herein.
23

COUNT FOUR

As-Applied Challenge to Parental Secrecy Policy
Under 42 U.S.C. § 1983
Procedural Due Process

1
2
3
4 72. Ms. Regino hereby incorporates by reference all other paragraphs of this
5 Complaint as though fully set forth herein, including but not limited to the Levine
6 Affidavit.

7 73. As applied, the Parental Secrecy Policy violated in the past—and
8 threatens to violate in the future—Ms. Regino’s fundamental right to direct the
9 upbringing of her children; to make decisions concerning the care, custody, and
10 control of her children; to direct the medical and mental health decision-making for
11 her children; and to make private familial decisions regarding her children without
12 undue interference by the state without providing adequate procedural safeguards,
13 including a thorough investigation, notice, and an opportunity to be heard with
14 regard to the deprivation of her parental rights.

15 74. Ms. Regino has no adequate remedy at law for these deprivations and
16 will suffer serious and irreparable harm to her constitutional rights unless
17 Defendants are enjoined as set forth herein.

18 75. Ms. Regino is entitled to declaratory relief and preliminary and
19 permanent injunctive relief invalidating and restraining Defendants from their
20 ongoing violations of her constitutional rights as set forth herein

PRAYER FOR RELIEF

21
22 WHEREFORE, Plaintiff Aurora Regino requests the following relief:

23 1. A declaration that the District’s Parental Secrecy Policy is both facially

1 invalid and invalid as applied to her under the Fourteenth Amendment to the United
2 States Constitution;

3 2. A preliminary and permanent injunction preventing Defendants from
4 continuing to implement the Parental Secrecy Policy, during the pendency of this
5 litigation and at all times in the future, both facially and as applied to Ms. Regino;

6 3. Costs and attorney's fees pursuant to 42 U.S.C. § 1988;

7 4. A trial by jury on all claims for which Plaintiff has such a right; and

8 5. Such further relief that the Court deems just and proper.

9
10 Dated: January 6, 2023

Respectfully submitted,

11
12 By: /s/Harmeet K. Dhillon
13 Harmeet K. Dhillon (SBN 207873)
14 DHILLON LAW GROUP INC.
15 177 Post Street, Suite 700
San Francisco, CA 94108
(415) 433-1700

16 Mark. Trammell*
MTrammell@libertyCenter.org
17 Joshua W. Dixon*
JDixon@LibertyCenter.org
18 Eric A. Sell*
ESell@LibertyCenter.org
19 CENTER FOR AMERICAN LIBERTY
1311 South Main Street, Suite 302
20 Mount Airy, MD 21771
Telephone: (703) 687-6200

21 *Attorneys for Plaintiff*
22 **Pro Hac Vice Motions Forthcoming*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

VERIFICATION

I, AURORA REGINO, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am over the age of eighteen years old, I am competent to make this verification, and have personal knowledge of the matters set forth herein.

2. I have reviewed the Complaint to be filed on my behalf in this matter.

3. I have personal knowledge of the factual allegations in paragraphs 1-2, 3 (first sentence), 4-23, 28, 35 (second sentence), 36-37, and 40-55 of the Complaint. Those allegations are true and correct to the best of my knowledge.

4. My daughter, A.S., informed me of the factual allegations contained in paragraphs 3 (all sentences other than first sentence), 24-27, 29-35 (first sentence), and 38-39 of the Complaint. Based on my conversations with A.S., and her reputation and character of truthfulness, which I know based on my interactions with her as her mother, I believe these allegations to be true and correct to the best of my knowledge.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed on January 5, 2022


AURORA REGINO

VERIFICATION

I, A.S., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am twelve years old. I have personal knowledge of the matters set forth herein.

2. I have reviewed the Complaint to be filed on behalf of my mother in this matter.

3. I have personal knowledge of the factual allegations in paragraphs 3 (all sentences other than first sentence), 24–27, 29–35 (first sentence), and 38–39 of the Complaint. I believe these allegations to be true and correct to the best of my knowledge.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed on January 5, 2022

A.S.

A.S.