

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

SEP 09 2024

By *Wimala Blanchard*
WIMALA BLANCHARD, Deputy

**THE PEOPLE OF THE STATE OF
CALIFORNIA, Ex Rel. ROB BONTA,
ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA**

v.

**CHINO VALLEY UNIFIED SCHOOL
DISTRICT**

CIVSB2317301

Motion No. 1: Motion for Judgment on the Pleadings/Summary Adjudication

Movant: Plaintiff The People of The State of California
Respondents: Defendant Chino Valley Unified School District
Defendants-in-Intervention Nichole Vicario, et al.

Motion No. 2: Motion for Summary Judgment/Adjudication

Movants: Defendant Chino Valley Unified School District
Defendants-in-Intervention Nichole Vicario, et al.
Respondent: Plaintiff The People of The State of California
Proposed Amicus Brief from the California Department of Education

PROCEDURAL AND FACTUAL BACKGROUND

The Policy, the Pleadings, and the Preliminary Injunction

In July 2023, the Chino Valley Unified School District (the “District”), via its board (the “Board”) adopted a policy which “requires” certificated staff, school counselors, and principals to notify a student’s parent(s) or guardian(s) when the student is:

- (a) Requesting to be identified or treated, as a gender (as defined in Education Code section 210.7) other than the student’s biological sex or gender listed on the student’s birth certificate or any other official records. This includes any request by the student to use a name that differs from their legal name (other than a

commonly recognized diminutive of the child's legal name) or to use pronouns that do not align with the student's biological sex or gender listed on the student's birth certificate or other official records.

- (b) Accessing sex-segregated school programs and activities, including athletic teams and competitions, or using bathroom or changing facilities that do not align with the student's biological sex or gender listed on the birth certificate or other official records.
- (c) Requesting to change any information contained in the student's official or unofficial records.

(State's Prior RJN, Ex. 1 [Policy 5020.1 (the "Policy" or the "Old Policy")].)

The Policy also requires parental or guardian notification for any significant physical injury, when a suicide attempt or threat is known, and for any incident or complaint of verbal or physical altercations or bullying. The Policy references the District's support for the "fundamental rights of parent(s)/guardian(s) to direct the care and upbringing of their children, including the right to be informed of and involved in all aspects of their child's education to promote the best outcomes." (The Policy.) The stated purpose of the Policy is to foster trust and communication between the District and the parents/guardians; promote the best outcomes for the pupils' academic and social-emotional success; and involve parents and guardians in the decision-making process for mental health and social-emotional issues of their children at the earliest possible time in order to prevent or reduce potential instances of self-harm. (*Ibid.*)

A month after the Policy was adopted, and following an investigation, The State of California (the "State") commenced the underlying action seeking to enjoin the notification requirement, as it relates to the gender-identity aspects of the Policy, and to declare those portions of the Policy unconstitutional and violative of State law. In particular, the complaint includes causes of action for declaratory and injunctive relief premised upon assertions the Policy violates (1) the right to equal protection under Article I, Section 7 of the California Constitution; (2)

