



State of California  
Office of the Attorney General

**ROB BONTA**

ATTORNEY GENERAL

September 6, 2023

**VIA U.S. MAIL & EMAIL**

Roger Stock, Superintendent  
Members, Board of Education  
Rocklin Unified School District  
2615 Sierra Meadows Drive  
Rocklin, CA 95677

RE: Item 7.1 on September 6, 2023 Agenda – Administrative Regulation - 5020 Parent Rights and Responsibilities #21

Dear Superintendent Stock and Members of the Rocklin Unified School Board:

I write to share my serious concern regarding the proposed “Administrative Regulation – 5020 Parent Rights and Responsibilities #21” scheduled for consideration on the agenda for the September 6, 2023 meeting of the Rocklin Unified School District (“RUSD”) Board of Education. The policy would, if enacted, require school officials to notify parents within three school days whenever: (1) a student requests to be identified as a gender other than the child’s biological sex or gender; (2) use a name or pronoun other than those listed on the student’s birth certificate or in official records; or (3) a student requests to participate in programs or to use facilities that do not align with the biological sex or gender stated in these records. (Item 7.1 on September 6, 2023 Agenda, Board of Education Regular Meeting 6:30 p.m. Action on Revisions to Administrative Regulation: AR 5020 Parent Rights & Responsibilities and AR 5143.3 Nondiscrimination/Harassment Action).

As the California Department of Education has instructed, “Disclosing that a student is transgender without the student’s permission may violate California’s antidiscrimination law by increasing the student’s vulnerability to harassment and may violate the student’s right to privacy.”<sup>1</sup> Under the California Constitution, and pursuant to state law, local educational agencies must ensure that any policies they implement provide equal protection to all students regardless of their gender expression, gender identity, or sexual orientation, and may not unlawfully discriminate against any protected class of students while receiving funds from the

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<sup>1</sup> Cal. Dep’t of Educ., Frequently Asked Questions, <https://tinyurl.com/y54447xf>

State. (Cal. Const., art. I, § 7; Ed. Code, § 200 et seq.; Gov. Code, § 11135.) Moreover, a policy with forced disclosure provisions violates Article 1, section 1 of the California Constitution, by infringing on the privacy interests of its transgender and gender nonconforming students, without the compelling interest necessary to overcome the privacy interests of those students, and because there are feasible and effective alternatives which have a lesser intrusion upon students' autonomy.

In addition to infringing upon student privacy, forced "outing" of students to their parents is very likely to result in significant emotional, mental, and even physical harm and subject students to discriminatory harassment. There are numerous applications of this policy that could violate the law, including: (1) where parents have threatened to harm the student if the student identifies as a gender different from the one assigned at birth,<sup>2</sup> and (2) when a student's family relationships are so fraught that the student expresses a significant likelihood that they may commit self-harm or suicide if their gender identity was disclosed to their parents.<sup>3</sup>

Recognizing the significant harms that transgender students may suffer from being "outed" to their parents against their will, the California Department of Education recommends that schools "consult with a transgender student to determine who can or will be informed of the student's transgender status, if anyone, including the student's family." The California Department of Education further instructs, "schools are required to respect the limitations that a student places on the disclosure of their transgender status, including not sharing that information with the student's parents," subject to "rare exceptions."<sup>4</sup> The guidelines recommend disclosure of a student's status to parents only in "those very rare circumstances where a school believes there is a specific and compelling 'need to know'" and that the school give the student advance notice before informing the parents.<sup>5</sup> Board Administrative Regulation 5020 Parent Rights and Responsibilities #21 contradicts this guidance in almost every respect.

In light of the likelihood of harm to children as a result of policies such as Board Administrative Regulation 5020 Parent Rights and Responsibilities #21, my office sought and obtained earlier today a Temporary Restraining Order (TRO) against the Chino Valley Unified School District in *People of the State of California v. Chino Valley Unified School District*, San Bernardino County Superior Court, case number CIVSB2317301. A copy of the minute order granting the TRO is attached. In granting the TRO, the court found that harm was likely to occur and indeed already was occurring because of the policy at issue. We urge you to consider the harms and negative impacts to children in your district if you take a similar approach and reject Administrative Regulation 5020 Parent Rights and Responsibilities #21.

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<sup>2</sup> Cf. Stacy Chen, *Oklahoma School Shuts Down for 2 Days After Parents Threaten Transgender 7th Grader*, ABC News (Aug. 15, 2018), <https://tinyurl.com/43ek5z28>.

<sup>3</sup> See Ashley Austin et al., *Suicidality Among Transgender Youth: Elucidating the Role of Interpersonal Risk Factors*, 37 J. Interpersonal Violence 5 (2020).

<sup>4</sup> Cal. Dep't of Educ., *Frequently Asked Questions*, <https://tinyurl.com/y54447xf>; see also Cal. Dep't of Educ., *Legal Advisory*, <https://tinyurl.com/3unt8xds> (citing FAQ).

<sup>5</sup> *Id.*

Superintendent Stock and Members of the Rocklin Unified School Board

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My office has a substantial interest in protecting the legal rights of children in California schools and protecting such children from trauma and exposure to violence. I will not hesitate to take action as appropriate to vigorously protect students' civil rights.

Sincerely,



ROB BONTA  
Attorney General

cc: Tony Thurmond, California Superintendent of Public Instruction



SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN BERNARDINO  
San Bernardino District  
247 West 3rd St  
San Bernardino, CA 92415  
www.sb-court.org

## MINUTE ORDER

Case Number: CIVSB2317301

Date: 9/6/2023

Case Title: The People of the State of California, Ex Rel. et al  
-v-  
Chino Valley Unified School District

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Department S27 - SBJC

Date: 9/6/2023

Time: 8:30 AM

Ex Parte Hearing -  
Predisposition

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Judicial Officer: Thomas S Garza  
Judicial Assistant: Debra Pedrosa  
Court Reporter: Charlona Quidor  
Court Attendant: Cesar Lepe

### Appearances

Attorney Alexander Simpson, Attorney James F Zahradka II, Attorney Delbert K Tran present for Plaintiff Rob Bonta, The People of the State of California, Ex Rel.  
Attorney Anthony P De Marco, Attorney William A Diedrich present for Defendant Chino Valley Unified School District

### Proceedings

Stip and appointment of pro tem reporter filed  
The People of the State of California, Ex Rel.'s Ex parte Application for temporary restraining order is heard.

Court finds notice of the hearing on ex parte application was given to the opposing party.  
Ex parte application argued.

### Court Finds:

The People of the State of California, Ex Rel.'s Ex parte Application for temporary restraining order is granted.  
Findings stated on the record by the Court.

Order Filed Re: granting TRO; granting application to seal

### Hearings

Order to Show Cause - Predisposition set for 10/13/2023 at 8:30 AM in Department S27 - SBJC  
Preliminary Injunction

9:41 AM

== Minute Order Complete ==