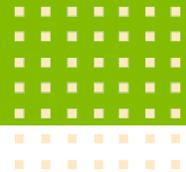




Viewpoints

Chino Valley Unified's "Forced Outing" Policy Found Unconstitutional



On September 9, 2024, a San Bernardino County judge found that the Chino Valley Unified School District could not enforce its gender notification/"forced outing" policy. The policy, first adopted by the school board in July 2023, required schools to inform parents if a student requested to use a name or pronoun different from their birth certificate or wanted to use facilities or participate in programs that didn't align with their assigned sex at birth. The court found that the policy violated the Equal Protection Clause of California's Constitution, Education Code section 220, and Government section 11135 by discriminating against transgender and gender nonconforming students.

The ruling came as a result of a lawsuit filed in August 2023 by California Attorney General Rob Bonta, who argued that the policy violated students' privacy rights and could potentially endanger LGBTQ+ youth. Bonta contended that the policy discriminated against transgender and gender non-conforming students and could lead to forced outing, which might result in harm to students whose families are not accepting of their gender identity.



The Chino Valley case is part of a broader national debate over the rights of transgender students and the role of schools in addressing gender identity issues. Similar policies have been proposed or implemented in other school districts across the United States.

The injunction against Chino Valley's policy may have implications for other school districts considering similar measures. It highlights the ongoing tension between parental rights, student privacy, and the responsibility of schools to provide a safe and inclusive environment for all students.

As the case continues to unfold, it remains a focal point in the larger discussion about how schools should navigate complex issues of gender identity, student privacy, and parental involvement in education.

[I]t is undisputed that there is nothing wrong or pathological with being transgender or gender non-conforming in and of itself."

–Judge Michael Sachs

oag.ca.gov/...

Professionals



Jennifer Nix

Partner

Oakland

510.550.8513

jnix@f3law.com