



Written by [Michael Tennant](#) on May 1, 2023

California Teachers Sue Over Being Forced to Conceal Students' Gender Identities From Parents

A pair of California schoolteachers is suing their school district for requiring them to keep students' in-school gender identities a secret from their parents.

Elizabeth Mirabelli and Lori Ann West, teachers at Rincon Middle School in Escondido, filed a federal [lawsuit](#) Thursday charging the Escondido Union School District (EUSD) with violating their First Amendment rights by forcing them to deceive parents about their children's gender decisions. They are being represented by attorneys from the Thomas More Society.



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According to the lawsuit, in August 2020, EUSD “enacted an Administrative Regulation” regarding students' gender choices. That regulation, issued by executive staff rather than the board of trustees, was never discussed at a public board meeting or communicated to teachers, staff, students, or parents. After one teacher unwittingly ran afoul of the rule in late 2021, the district held an online meeting of all teachers — and only teachers — to explain the heretofore secret policies in detail.

“These policies,” explained a Thomas More Society [press release](#), “force teachers to aid in a student's transgender ‘social transition’ by:

- unhesitatingly accepting a child's assertion of a transgender or gender-diverse identity;
 - immediately using any pronouns or a gender-specific name requested by a student during school;
 - but* reverting to biological pronouns and legal names when speaking with parents in order to actively hide information about a child's gender identity from his or her parents.
- [Emphasis in original.]

The policy presentation went on to state “that failure to comply with [the policies] would constitute ‘Discrimination/Harassment,’” asserts the complaint. “Thus, ‘revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent’ would be a basis for discipline. [The employee giving the presentation] further clarified that individuals who ‘do not have a legitimate need for the information’ include ‘parents or caretakers’ and that consent is required regardless of the age of the student.”

According to the presentation, teachers are forbidden to discuss gender identity with parents, to question students' self-identifications, or to express “their personal beliefs” on the subject to students or parents. “These clarifications,” notes the lawsuit, “make clear that these policies are ... aimed at enforcing ideological conformity regarding gender identity.” Indeed, despite these alleged restrictions,



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“various Rincon Middle School teachers have felt perfectly free to display on their doors and windows pro-LGBT political messaging, with the band teacher even passing out pride flags to students.”

Mirabelli, a Catholic, and West, a Christian, are not, however, free to speak their own minds on such matters. As befits followers of Jesus Christ, neither wishes to mistreat any student for any reason. Neither one intends to “out” gender-switching students to their parents. But they refuse to participate in the insane, harmful transgenderism cult, particularly if it means lying to parents.

Both teachers petitioned EUSD for religious exemptions to the new policies. After some back-and-forth with the teachers’ attorney, EUSD granted the two a limited exemption when it came to addressing students, allowing them to address transgender students by last name only and without using any pronouns.

“However, for the Parental Exclusion Policies, EUSD would not budge,” reads the complaint. At best, the teachers were permitted to refer to students by last names only and without pronouns when talking to their parents. If parents questioned this, the teachers were told to respond that “the inquiry is outside of the scope of the intent of their interaction” and that they may only discuss “information regarding the student’s behavior as it relates to school, class rules, assignments, etc.”

As a result, Mirabelli and West say they were put in the position of “directly communicating a ... false message” to parents, namely that EUSD believes their son to be a boy or their daughter to be a girl when, in reality, it does not.

“The stress of attempting to navigate EUSD’s gender identity policies while also adhering to their religious belief” has caused these long-tenured, award-winning teachers to experience “anxiety and panic episodes, insomnia, and stomach pain,” they allege.

They are asking the court to strike down the policies as unconstitutional for violating their First Amendment rights. Their right to freedom of speech, they argue, is being curtailed first by compelling them to utter things with which they disagree and then by prohibiting them from expressing their opinions on certain matters. Their right to the free exercise of religion is being violated, they contend, not just because they are being forced to lie to parents but because the policies are not being uniformly applied: Administrative staff, substitute teachers, and students are exempt from them, and EUSD officials have wide discretion in determining violations of them.

The teachers further note that the gender policies would seem to contradict certain other EUSD policies. One of those states that “being dishonest with students, parents/guardians,” and others constitutes “inappropriate employee conduct.” Another declares that “parents/guardians have a right ... to be engaged in their child’s education and to be involved in the intellectual, physical, emotional, and social development and well-being of their child.”

“It boils down to the need for a basic trust in the institutions that we support with our tax dollars to protect and defend our children. Public schools should never hide information from or lie to parents about a child’s mental health or personal circumstances,” said Thomas More Society Special Counsel Paul Jonna. “And schools should never compel teachers to perpetrate such a deception.”



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