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December 7, 2023

BY EMAIL & U.S. MAIL

Kansas Association of School Boards
ATTN: Brian Jordan, Executive Director
1420 SW Arrowhead Rd
Topeka, Kansas 66604
bjordan@kasb.org

RE: “Socially Transitioning” Minors Without Parental Consent

Dear Executive Director Jordan:

Recent reporting regarding the treatment by Kansas school districts of minors in their care is very troubling. A nationwide investigation by the organization Parents Defending Education determined that multiple Kansas school districts—e.g., Belle Plaine Schools USD 357, Kansas City, Kansas Public Schools USD 500, and Topeka Public Schools USD 501—have policies stating that their personnel can or should keep a student’s transgender status hidden from parents.¹

It appears that USD 357, USD 500, and USD 501 each have a policy or practice that requires their respective personnel to hide a student’s transgender status or gender-nonconforming presentation from such student’s parents in violation of the parents’ right to direct the care, upbringing, and education of their children. This conclusion is based on policy (or “guidelines”) documents obtainable through each district’s website.²

Part III.A of USD 500’s “Guidelines for Transgender and Gender Non-Conforming Students at School” states (in relevant part) the following (emphasis added):

¹ Parents Defending Educ., List of School District Transgender–Gender Nonconforming Student Policies (Mar. 7, 2023), <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>; accord David Hicks, *At Least 3 KS School Districts Hide Students’ Transgender Status from Parents*, THE SENTINEL (Mar. 16, 2023), <https://sentinelksmo.org/at-least-3-ks-school-districts-hide-students-transgender-status-from-parents/>.

² See KAN. ASS’N OF SCH. BDS., BELLE PLAINE USD #357 BOARD POLICY MANUAL MARCH 2023 at [PDF pages] 4-5, 396-400, 504-06 (rev. Mar. 2023) [“BPS Manual”], available at <https://tinurl.com/3aaufuhs>; KAN. CITY KAN. PUB. SCHS., KANSAS CITY KANSAS PUBLIC SCHOOLS GUIDELINES FOR TRANSGENDER AND GENDER NON-CONFORMING STUDENTS AT SCHOOL 1-2 (rev. Oct. 31, 2016) [“KCK Guidelines”], available at <https://tinurl.com/mppuap43>; SEXUAL ORIENTATION & GENDER EXPRESSION, <https://www.kckschools.org/diversity-equity-and-inclusion/dei-resources/sexual-orientation-gender-expression>; TOPEKA PUB. SCHS., REGULATION NUMBER 8100-03: GUIDELINES FOR TRANSGENDER STUDENTS AT SCHOOL 1-2 (rev. June 25, 2018) [“TPS Regulation”], available at <https://tinurl.com/bdn5h7b6>.

Privacy. All persons, including students, have a right to privacy. This includes the right to keep *private* one's transgender status or gender nonconforming presentation at school.

1. . . . School personnel *should not* disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, *including parents* and other school personnel, *unless* legally required to do so *or unless* the *student* has authorized such disclosure.
2. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly *and to decide when, with whom, and how much to share private information*. When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel *should* use the student's legal name and the pronoun corresponding to the student's gender assigned at birth *unless* the student, parent, *or* guardian has specified otherwise.³

Part III.A of USD 501's "Regulation Number: 8100-03: Guidelines for Transgender Students at School" states (in relevant part) as follows (emphasis added):

Privacy. All persons, including students, have a right to privacy. This includes the right to keep one's transgender status or gender nonconforming presentation *private at school*.

1. . . . School personnel *should not* disclose information that may reveal a student's transgender status or gender nonconforming presentation to others, *including parents* and other school personnel, *unless* legally required to do so or unless the student has authorized such disclosure.
2. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly *and to decide when, with whom, and how much to share private information*. When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel *should* use the student's legal name and the pronoun corresponding to the student's gender assigned at birth *unless* the student, parent, or guardian has specified otherwise.⁴

Policy "JGECB: Guidelines for Transgender Students" of the USD 357 Board of Education's March 2023 Policy Manual states (in relevant part) as follows (emphasis added):

All persons, including students, have a right to privacy. This includes the right to keep one's transgender status *private at school*. . . . School personnel *should not* disclose information that may reveal a student's transgender status, *including to parents* and other school personnel who do not have a legitimate educational interest in the information, *unless* legally allowed or unless the parent or adult student has

³ KCK Guidelines, *supra* note 2, at 2 (emphasis added).

⁴ TPS Regulation, *supra* note 2, at 2 (emphasis added).

authorized such disclosure. Transgender students have the right to discuss and express their gender identity *and to decide when, with whom, and how much private information to share*. When contacting the parent or guardian of a transgender student, school personnel *should* use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth *unless* the student, parent, or guardian has specified otherwise.”⁵

As you can see, each policy is highly similar – at least as far as what has been quoted. One might wonder whether each policy was drafted by the same person(s) or organization(s).

The USD 500 Board of Education adopted, or at least acted on, its policy during a meeting that occurred on September 18, 2017.⁶ During the meeting, the USD 500 Superintendent and two others recommended “the District Plan for supporting our Transgender and Gender Non-Conforming Students”⁷ and explained that “[t]he Kansas City, Kansas Professional Workforce Development Department, in partnership with the University of Missouri-Kansas City, . . . developed” the USD 500 Guidelines.⁸ USD 500’s guidelines have no issue date⁹ but show they were revised October 31, 2016.¹⁰

USD 501’s Regulation 8100-03 shows that the “Office” that “Prepar[ed]” “Regulation Number 8100-03” was “Teaching/Learning/Administration.”¹¹ This presumably means that personnel from multiple organizational subdivisions of USD 501 drafted Regulation 8100-03. Regulation 8100-03 shows it was issued August 17, 2015, and revised June 25, 2018.¹²

The USD 357 Board of Education’s March 2023 Policy Manual shows that the USD 357 Board adopted policy JGECB on February 11, 2019.¹³ The March 2023 manual indicates that it was created by your organization.¹⁴ For example, the following text can be found on every one of its pages (including the pages that contain policy JGECB):

©KASB. This material may be reproduced for use in USD 357. It may not be reproduced, either in whole or in part, in any form whatsoever, to be given, sold or transmitted to any person or entity including but not limited to another school district,

⁵ BPS Manual, *supra* note 2, at [PDF page] 504 (emphasis added) (“JGECB: Guidelines for Transgender Students”).

⁶ To access the detailed agenda of the meeting, go to BOARD POLICIES & OTHER INFORMATION, <https://www.kckschools.org/board-policies>. Click on “Board Policies” (which is at roughly the middle of the page). *See id.* A new tab will open at the following link: <https://go.boarddocs.com/ks/kckps/Board.nsf/Public?open&id=policies>. Select “MEETINGS” at the top right-hand of the page. *See id.* At the left-hand side of the page under “Featured,” select “2017.” *See id.* Scroll down to and select “Sep 18, 2017 (Mon) Special Meeting Agenda.” *See id.* Select “Print the Agenda” in the middle of the page. *See id.* A dialogue box will open. Near the top left-hand side of the dialogue box, select “Detailed Agenda.” Under “3. Reports of the Superintendent,” select the hyperlinked text “District Transgender Guidelines.6.7.17.pdf (231 KB).”

⁷ *See* Memorandum from Dr. Cynthia Lane on Supporting Transgender and Gender Non-Conforming Students in the Kansas City Kansas School District (Sept. 18, 2017), <https://tinyurl.com/yc78pxen>.

⁸ *Id.* (“The Kansas City, Kansas Professional Workforce Development Department, in partnership with the University of Missouri-Kansas City, has developed a comprehensive plan to support our transgender and gender non-conforming students in our district.”).

⁹ *See* KCK Guidelines, *supra* note 2, at 1-5.

¹⁰ *Id.*

¹¹ TPS Regulation, *supra* note 2, at 1 (“Preparing Office: Teaching/Learning/Administration”).

¹² *Id.*

¹³ BPS Manual, *supra* note 2, at [PDF pages] 506.

¹⁴ *See id.* at [PDF pages] 1-6.

organization, company or corporation without written permission from KASB.¹⁵

Your organization provides legal services to, and drafts policy documents for, member school boards.¹⁶ Moreover, your organization opposed the Fairness in Women's Sports Act,¹⁷ which requires all interscholastic, intercollegiate, intramural, and club athletic teams that are sponsored by public elementary, secondary, and postsecondary institutions that compete against teams from other public educational institutions to be based on the biological sex of the team members and states athletic teams or sports designated for females, women, or girls shall not be open to students of the male sex. Consequently, my office suspects your organization was involved in drafting the policies quoted above.

This is problematic for two reasons.

First, parents have a fundamental constitutional right to direct both the education and upbringing of their children.¹⁸ A substantial majority of parents would at the very least want to have some say about something so inextricably connected to the upbringing of a child as a child's decision to adopt, for example, a "transgender" or "gender nonconforming" identity.¹⁹ Likewise, the vast majority of parents would almost certainly want their school district to immediately inform them if their child decided to adopt such an identity at school.²⁰ But the aforementioned policies (or "guidelines") seem to *prohibit* school district personnel from disclosing such information to parents unless the student authorizes the disclosure.

Second, it is undeniable that "[a] child changing his or her gender identity [could have] major long-term medical and psychological ramifications."²¹ It would be arrogant beyond belief to hide something with such weighty consequences from the very people (parents) that both law and nature vest with providing for a child's long-term well-being. That a Kansas school district could so cavalierly allow a *minor child*—whom science tells us does not even have a fully formed brain until into his or her twenties²²—to decide whether his or her parents know about such things is shockingly irresponsible. Has KASB surrendered to woke gender ideology to the point of jettisoning both propriety and common sense?

¹⁵ *Id.* at [PDF pages] 1-677.

¹⁶ See LEGAL ASSISTANCE FUND, https://www.kasb.org/296957_2; LEGAL SERVICES, https://www.kasb.org/296983_2; POLICY SERVICES, https://www.kasb.org/341773_2.

¹⁷ Kan. Ass'n of Sch. Bds., Written Opponent Testimony on HB 2238 ([Feb. 23, 2023]), available at <https://tinyurl.com/2s4ed9n8>; KAN. ASS'N OF SCH. BDS., WHERE WE STAND – A LEGISLATIVE UPDATE – MARCH 18, 2022 at 7 (Mar. 18, 2022), available at <https://tinyurl.com/bdcpbbsb>.

¹⁸ See *Troxel v. Granville*, 530 U.S. 57, 65-69 (2000) (opinion of O'Connor, J.) (discussing and approvingly citing, among other authorities, *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *id.* at 77 (Souter, J., concurring) (collecting cases); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923)).

¹⁹ See Press Release, Parents Defending Educ., Parents Defending Education poll: 71% of voters support legislation requiring schools to inform parents if their child wants to change their gender identity (Mar. 21, 2023), available at <https://defending.org/press-releases/parents-defending-education-poll-71-of-voters-support-legislation-requiring-schools-to-inform-parents-if-their-child-wants-to-change-their-gender-identity/> (crosstabs).

²⁰ *Id.*

²¹ *Id.*; accord Complaint at ¶¶ 1-8, 23-66, 74, *Brockman v. Kaiser Found. Hosps., Inc.*, No. STK-CV-UMM-2023-0001612 (Cal. Super. Ct. Feb. 22, 2023), available at <https://libertycenter.org/wp-content/uploads/2023/02/Complaint1.pdf>.


²² Nat'l Inst. of Mental Health, *The Teen Brain: 7 Things to Know*, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know> ("The brain finishes developing and maturing in the mid-to-late 20s.").

Given these concerns, please answer the following questions:

1. Does your organization support the aforementioned policies (or “guidelines”) or recommend them to Kansas school districts? If so, how do you square that with *Troxel v. Granville*,²³ *Stanley v. Illinois*,²⁴ *Pierce v. Society of Sisters*,²⁵ and other U.S. Supreme Court cases²⁶ that affirm a parent’s right to direct the education and upbringing of their children?
2. Who formulated and/or drafted the aforementioned policies (or “guidelines”) ? If you know, please identify every person involved, regardless of whether such person was an employee of your organization; please include consultants, volunteers, activists, and all other persons. Also, please identify the role each person played in formulating and/or drafting the aforementioned policies (or “guidelines”).
3. Has your organization consulted with any lawyers, medical or psychological professionals, or other persons trained in relevant subjects in regards to the aforementioned policies (or “guidelines”) ? Please identify any such persons with whom your organization consulted.
4. Has your organization made any specific or special efforts to survey or otherwise solicit the input of parents before advocating the aforementioned policies (or “guidelines”) ? If so, please describe those efforts.
5. Does your organization advocate for or recommend that Kansas school district personnel use the birth name and biological-sex-associated pronouns of schoolchildren when school district personnel discuss schoolchildren with their parents or legal guardians, but use a different name or set of pronouns for schoolchildren at school or otherwise away from their parents or legal guardians?

Please respond to this letter by December 20, 2023. Thank you for your attention to this matter.

Sincerely,



Kris W. Kobach

Attorney General

Cc: Angie Stallbaumer, Deputy Executive Director (astallbaumer@kasb.org)

²³ 530 U.S. 57 (2000).

²⁴ 405 U.S. 645 (1972).

²⁵ 268 U.S. 510 (1925).

²⁶ See *supra* note 18.



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December 7, 2023

BY EMAIL & U.S. MAIL

Olathe Public Schools, USD 233
ATTN: Brent Yeager, Superintendent
14160 Black Bob Road
P.O. Box 2000
Olathe, Kansas 66063
superintendent@olatheschools.org

RE: “Socially Transitioning” Minors Without Parental Consent

Dear Superintendent Yeager:

Recent allegations regarding your school district’s treatment of minors in its care are very troubling. Earlier this year, Parents Defending Education made available on its website a document it alleges to have received from Olathe Public Schools (“USD 233” or the “District”) in response to its request for “any policies and guidance the district has regarding transgender issues.”¹ This document indicates USD 233 believes “parents can be left in the dark regarding their children[.]”²

The document is titled “Guidance Related to Gender Identity”.³ The second paragraph pays lip service to “partnering with . . . parents and . . . students’ families.”⁴ But the “Guidance” also says that

When a student requests to go by a preferred name and/or pronoun, District *staff* and students are *expected* to respect a student’s preferred name and pronoun. Because students *have a right* to be addressed by the name and pronouns that correspond to the *gender identity* that is asserted *at school*, we *will* be sensitive *and supportive* of the request as outlined below.⁵

The next paragraph says that “each student request to go by a preferred name and/or pronoun on a case-by-case basis.”⁶ However, “building principals will acknowledge the student’s request and partner

¹ <https://defendinged.org/incidents/olathe-public-schools-has-guidance-to-keep-the-gender-identity-of-students-a-secret-from-parents/>.

² *Id.*

³ Guidance Related to Gender Identity, https://defendinged.org/wp-content/uploads/2023/05/Guidance-Related-to-Gender-Identity_12.2.21_REV.pdf.

⁴ *Id.* at 1.

⁵ *Id.* (emphasis added).

⁶ *Id.*

with the student and the family to the greatest extent possible in supporting the student’s request, all without causing trauma to the student during the process.”⁷ Thus, despite supposed case-by-case evaluations, District personnel must partner with the student, and, *if possible*, the student’s family, not in critically evaluating the student’s request but rather “in supporting the student’s request[.]”

The next paragraph says that “[b]est practice is for staff to obtain parental consent before addressing the student publicly by their preferred name and/or pronoun.”⁸ Thus, it is a “[b]est practice,” not a mandate, a requirement, or a necessity, to obtain parental consent.

The next paragraph is particularly telling. It implies the possibility that USD 233 will not inform a student’s parents of such student’s adoption of a “transgender” or “gender nonconforming” identity unless a series of criteria, some of which are vague and undefined, are met:

Staff must be careful to refrain from incautious disclosure of a student’s gender status and/or sexual orientation. Informing the *decision to disclose* to a parent/guardian are considerations related to the age of the student; whether the student has developmental disabilities; protecting the *privacy interests* of the student; whether the communications with the parent would cause *trauma* to the student, and a fear for the child’s *health* as a result of that communication.⁹

What does “trauma” mean? Does it refer only to physical trauma? Or does it include “emotional” trauma as a type, kind, or form of trauma that is distinct and separate from physical trauma? What does the term “privacy interests” mean? Do a student’s “privacy interests” outweigh or supersede parents’ fundamental right to direct the education and upbringing of their children? If so, to what extent? What does “health” mean? Does it refer only to physical health? Or does it include “emotional” health as a type, kind, or form of health that is distinct and separate from physical health? The “Guidance” document answers none of those questions.¹⁰

Also notable, it was reported in September 2021 that one of USD 233’s seventh grade teachers was “excited” about receiving, and adding “to her classroom library,” books featuring highly explicit sexual content.¹¹

This is problematic for two reasons.

First, parents have a fundamental constitutional right to direct both the education and upbringing of their children.¹² A substantial majority of parents would at the very least want to have some say about something so inextricably connected to the upbringing of a child as a child’s decision to adopt, for

⁷ *Id.* (emphasis added).

⁸ *Id.* (emphasis added).

⁹ *Id.* (emphasis added).

¹⁰ See *id.* at pp. 1-2.

¹¹ <https://defendinged.org/incidents/concern-raised-over-sexually-explicit-book-in-olathekansass-seventh-grade-classroom/>.

¹² See *Troxel v. Granville*, 530 U.S. 57, 65-69 (2000) (opinion of O’Connor, J.) (discussing and approvingly citing, among other authorities, *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *id.* at 77 (Souter, J., concurring) (collecting cases); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923)).

example, a “transgender” or “gender nonconforming” identity.¹³ Likewise, the vast majority of parents would almost certainly want the District to immediately inform them if their child decided to adopt such an identity at school.¹⁴ But the District seems to *prohibit* its personnel from disclosing such information to parents unless the student authorizes the disclosure.

Second, it is undeniable that “[a] child changing his or her gender identity [could have] major long-term medical and psychological ramifications.”¹⁵ It would be arrogant beyond belief to hide something with such weighty consequences from the very people (parents) that both law and nature vest with providing for a child’s long-term well-being. That a Kansas school district could so cavalierly allow a *minor child*—whom science tells us does not even have a fully formed brain until into his or her twenties¹⁶—to decide whether his or her parents know about such things is shockingly irresponsible. USD 233 has apparently surrendered to woke gender ideology to the point of jettisoning both propriety and common sense.

Given these concerns, please answer the following questions:

1. Is the “Guidance Related to Gender Identity” referred to above USD 233’s?
2. Does USD 233 have a policy or practice that requires, advocates, or allows its personnel not to disclose students’ “gender identity” or social transition to a child’s parents or guardians? If so, please provide me a complete copy of that policy.
3. If such policy or practice exists, was it provided to or otherwise made known to parents or the public? If yes, how?
4. If such a policy exists, how do you square that policy or practice with *Troxel v. Granville*,¹⁷ *Stanley v. Illinois*,¹⁸ *Pierce v. Society of Sisters*,¹⁹ and other U.S. Supreme Court cases²⁰ that discuss a parent’s right to direct the education and upbringing of their children?
5. If such a policy exists, who formulated and/or drafted it? Please identify every person involved, regardless of whether such person was a District employee or otherwise paid by the District; include consultants, volunteers, activists, and all other persons. Also, please identify the role each person played in formulating and/or drafting it.
6. If such a policy exists, did the USD 233 Board of Education consult with any lawyers, medical

¹³ See Press Release, Parents Defending Educ., Parents Defending Education poll: 71% of voters support legislation requiring schools to inform parents if their child wants to change their gender identity (Mar. 21, 2023), available at <https://defendinged.org/press-releases/parents-defending-education-poll-71-of-voters-support-legislation-requiring-schools-to-inform-parents-if-their-child-wants-to-change-their-gender-identity/> (crosstabs).

¹⁴ *Id.*

¹⁵ *Id.*; see also Complaint at ¶¶ 1-8, 23-66, 74, Chloe E. Brockman a/k/a Chloe Cole v. Kaiser Foundation Hospitals, Inc., No. STK-CV-UMM-2023-0001612 (Cal. Super. Ct. Feb. 22, 2023), available at <https://libertycenter.org/wp-content/uploads/2023/02/Complaint1.pdf> (providing examples).

¹⁶ Nat’l Inst. of Mental Health, *The Teen Brain: 7 Things to Know*, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know> (“The brain finishes developing and maturing in the mid-to-late 20s.”).

¹⁷ 530 U.S. 57 (2000).

¹⁸ 405 U.S. 645 (1972).

¹⁹ 268 U.S. 510 (1925).

²⁰ See *supra* note 12.

or psychological professionals, or other persons trained in relevant subjects before adopting the policy? Further, did you, or did a prior superintendent, present the policy and recommend it to the Board? If so, did you, or did the other superintendent, consult with any such professionals or other persons before recommending the policy? Please identify any such persons with whom either the Board, you, or the other superintendent consulted.

7. If such a policy exists, did the Board make any specific or special efforts to survey or otherwise solicit the input of parents before adopting the policy? Did you, or did the other superintendent, make any specific or special efforts to survey or otherwise solicit the input of parents before recommending that the Board adopt the policy? My office is specifically interested in efforts beyond mere open-forum comments made at meetings of the Board.
8. Has any teacher, administrator, or other USD 233 employee ever knowingly used the birth name and biological-sex-associated pronouns of a child when discussing that child with his/her parent or legal guardian, but used a different name or set of pronouns for the child at school or otherwise away from that parent or legal guardian? If yes, please identify that employee, the circumstances surrounding such behavior, and any additional facts that you believe justify such behavior.
9. Does the District (including any of its constituent schools) document in any way a student's adoption of a "transgender" status or a "gender-nonconforming presentation" (including, but not limited to, when a student indicates a preference for pronouns that do not correspond to the student's biological sex)? If so, how is that documented? If there is a standard form(s), spreadsheet(s), or other such document(s) for recording such information, please provide a blank copy of such form(s), spreadsheet(s), or other such document(s).

Please reply to this letter by December 20, 2023. Thank you for your attention to this matter.

Sincerely,



Kris W. Kobach
Attorney General

Cc: Barb Behm, Clerk of the Board of Education (bbehmec@olatheschools.org)



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December 7, 2023

BY EMAIL & U.S. MAIL

Shawnee Mission School District, USD 512
ATTN: Michelle Hubbard, Superintendent
8200 W 71st Street,
Shawnee Mission, Kansas 66204
michellehubbard@smsd.org

RE: “Socially Transitioning” Minors Without Parental Consent

Dear Superintendent Hubbard:

Recent allegations regarding your school district’s treatment of minors in its care are very troubling.

On April 21, 2023, Caedran Sullivan, a teacher then on staff with Shawnee Mission School District (“USD 512” or the “District”), alleged as follows:

At a staff meeting this month, we were told we should refer to students by their preferred names and pronouns during the school day, but hide from the parents the fact that their minor children are transitioning at school. The district conceals the transgender policies from the public and will not release the [DEI] presentations we are compelled to watch.¹

Further, in June 2023, Parents Defending Education made available on its website a document it alleges to have received from USD 512 in response to its request for “any policies and guidance related to gender identity.”² The document is titled “Transgender Practices & FAQ.”³ On the second page, the following question appears: “Can we call a student by their preferred name and/or pronouns?”⁴ The answer is provided in two parts.⁵ The first part is as follows (emphasis added):

A. Yes. All students have the right to be addressed by the name and pronouns that correspond to the gender identity they assert at school. School staff and peers are

¹ Caedran Sullivan, *Kansas public school teacher: Yes, your children are being indoctrinated*, THE LION ¶ 9 (Apr. 21, 2023), <https://readlion.com/2023/04/21/kansas-public-school-teacher-yes-your-children-are-being-indoctrinated/>.

² <https://defendinged.org/incidents/shawnee-mission-school-district-appears-to-explain-in-guidance-that-parents-can-be-left-in-the-dark-regarding-their-childrens-gender-identity/>.

³ *See id.* (providing PDF copy).

⁴ 2022 Transgender Practices & FAQ, p. 2.

⁵ *Id.*

expected to respect a student’s name and pronouns once they have been made aware. The building principal, in consultation first with the student, will be responsible for ensuring that the student’s request is honored while working to engage and include the family *to the greatest extent possible* for support.⁶

This answer basically indicates that USD 512 staff will refer to a student using the name and pronouns demanded by such student while the “building principal” is the only USD 512 staff member “responsible for ensuring that the student’s request is honored while working to engage and include the family to the greatest extent possible for support.”

The phrase “to the greatest extent possible” is notable. If the student’s family opposes (or if the student says his or her family would oppose) transition, will the building principal simply say nothing to the student’s family about the student’s transition?

This is problematic for two reasons.

First, parents have a fundamental constitutional right to direct both the education and upbringing of their children.⁷ A substantial majority of parents would at the very least want to have some say about something so inextricably connected to the upbringing of a child as a child’s decision to adopt, for example, a “transgender” or “gender nonconforming” identity.⁸ Likewise, the vast majority of parents would almost certainly want the District to immediately inform them if their child decided to adopt such an identity at school.⁹ But the District allegedly prohibits its personnel from disclosing such information to parents.

Second, it is undeniable that “[a] child changing his or her gender identity [could have] major long-term medical and psychological ramifications.”¹⁰ It would be arrogant beyond belief to hide something with such weighty consequences from the very people (parents) that both law and nature vest with providing for a child’s long-term well-being. That a Kansas school district could so cavalierly allow a *minor child*—whom science tells us does not even have a fully formed brain until into his or her twenties¹¹—to decide whether his or her parents know about such things is shockingly irresponsible. USD 512 has apparently surrendered to woke gender ideology to the point of jettisoning both propriety and common sense.

⁶ *Id.* (emphasis added).

⁷ See *Troxel v. Granville*, 530 U.S. 57, 65-69 (2000) (opinion of O’Connor, J.) (discussing and approvingly citing, among other authorities, *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *id.* at 77 (Souter, J., concurring) (collecting cases); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923)).

⁸ See Press Release, Parents Defending Educ., Parents Defending Education poll: 71% of voters support legislation requiring schools to inform parents if their child wants to change their gender identity (Mar. 21, 2023), available at <https://defendinged.org/press-releases/parents-defending-education-poll-71-of-voters-support-legislation-requiring-schools-to-inform-parents-if-their-child-wants-to-change-their-gender-identity/> (crosstabs).

⁹ *Id.*

¹⁰ *Id.*; accord Complaint at ¶¶ 1-8, 23-66, 74, Chloe E. Brockman a/k/a Chloe Cole v. Kaiser Foundation Hospitals, Inc., No. STK-CV-UMM-2023-0001612 (Cal. Super. Ct. Feb. 22, 2023), available at <https://libertycenter.org/wp-content/uploads/2023/02/Complaint1.pdf>.

¹¹ Nat’l Inst. of Mental Health, *The Teen Brain: 7 Things to Know*, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know> (“The brain finishes developing and maturing in the mid-to-late 20s.”).

Given these concerns, please answer the following questions:

1. Does USD 512 have a policy or practice of requiring or advocating that its personnel not disclose a child's gender transition to a child's parents? If so, please provide me a true, correct, and complete copy of that policy.
2. If such policy or practice exists, was it provided to or otherwise made known to parents or the public? If yes, how?
3. If such a policy exists, how do you square that policy or practice with *Troxel v. Granville*,¹² *Stanley v. Illinois*,¹³ *Pierce v. Society of Sisters*,¹⁴ and other U.S. Supreme Court cases¹⁵ that discuss a parent's right to direct the education and upbringing of their children?
4. If such a policy exists, who formulated and/or drafted the policy? Please identify every person involved, regardless of whether such person was a District employee or otherwise paid by the District; include consultants, volunteers, activists, and all other persons. Also, please identify the role each person played in formulating and/or drafting it.
5. If such a policy exists, did the USD 512 Board of Education consult with any lawyers, medical or psychological professionals, or other persons trained in relevant subjects before adopting the policy? Further, did you, or did a prior superintendent, present the policy and recommend it to the Board? If so, did you, or did the other superintendent, consult with any such professionals or other persons before recommending the policy? Please identify any such persons with whom either the Board, you, or the other superintendent consulted.
6. If such a policy exists, did the Board make any specific or special efforts to survey or otherwise solicit the input of parents before adopting the policy? Did you, or did the other superintendent, make any specific or special efforts to survey or otherwise solicit the input of parents before recommending that the Board adopt the policy? My office is specifically interested in efforts beyond mere open-forum comments made at meetings of the Board.
7. Has any teacher, administrator, or other USD 512 employee ever knowingly used the birth name and biological-sex-associated pronouns of a child when discussing that child with his/her parent or legal guardian, but used a different name or set of pronouns for the child at school or otherwise away from that parent or legal guardian? If yes, please identify that employee, the circumstances surrounding such behavior, and any additional facts that you believe justify such behavior.
8. Does the District (including any of its constituent schools) document in any way when a student adopts a "transgender" status or a "gender-nonconforming presentation" (including, but not limited to, when a student indicates a preference for pronouns that do not correspond to the student's biological sex)? If so, how is that documented? If there is a standard form(s),

¹² 530 U.S. 57 (2000).

¹³ 405 U.S. 645 (1972).

¹⁴ 268 U.S. 510 (1925).

¹⁵ See *supra* note 7.

spreadsheet(s), or other such document(s) for recording such information, please provide a blank copy of such form(s), spreadsheet(s), or other such document(s).

Please reply to this letter by December 20, 2023. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach", enclosed within a large, loopy oval flourish.

Kris W. Kobach
Attorney General

Cc: Shelly Trenholm, Clerk of the Board of Education (shellytrenholm@smsd.org)



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

KRIS W. KOBACH
ATTORNEY GENERAL

MEMORIAL HALL
120 SW 10TH AVE., 2ND FLOOR
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(785) 296-2215 • FAX (785) 296-6296
WWW.AG.KS.GOV

December 7, 2023

BY EMAIL & U.S. MAIL

Topeka Public Schools, USD 501
ATTN: Tiffany Anderson, Superintendent
624 S.W. 24th Street
Topeka, Kansas 66611
tanderson@tps501.org

RE: “Socially Transitioning” Minors Without Parental Consent

Dear Superintendent Anderson:

Recent reporting regarding your school district’s treatment of minors in its care is very troubling. A nationwide investigation by the organization Parents Defending Education determined that multiple Kansas school districts—including Topeka Public Schools (“USD 501” or the “District”)—have policies stating that district personnel can or should keep a student’s “transgender” status hidden from parents.¹

It appears that USD 501 has such a policy. This conclusion is based on “Regulation Number: 8100-03 Guidelines for Transgender Students at School”². Part III.A of that regulation states the following (emphasis added):

1. . . . School personnel *should not* disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, *including parents* and other school personnel, *unless* legally required to do so or unless the student has authorized such disclosure.
2. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly *and to decide when, with whom, and how much to share private information*. When contacting the

¹ Parents Defending Educ., List of School District Transgender–Gender Nonconforming Student Policies (Mar. 7, 2023), <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>; accord David Hicks, *At Least 3 KS School Districts Hide Students’ Transgender Status from Parents*, THE SENTINEL (Mar. 16, 2023), <https://sentinelksmo.org/at-least-3-ks-school-districts-hide-students-transgender-status-from-parents/>.

² TOPEKA PUB. SCHS., REGULATION NUMBER 8100-03: GUIDELINES FOR TRANSGENDER STUDENTS AT SCHOOL 1-2 (rev. June 25, 2018) [“Guidelines”], available at https://cdnsms5-ss11.sharpschool.com/UserFiles/Servers/Server_8252759/File/About%20Us/Policies%20and%20Regulations/8000%20-%20Students/Reg%208100-03%20-%20Guidelines%20for%20Transgender%20Students%20at%20School.pdf

parent or guardian of a transgender or gender nonconforming student, school personnel *should* use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth *unless* the student, parent, or guardian has specified otherwise.³

This is problematic for two reasons.

First, parents have a fundamental constitutional right to direct both the education and upbringing of their children.⁴ A substantial majority of parents would at the very least want to have some say about something so inextricably connected to the upbringing of a child as a child’s decision to adopt, for example, a “transgender” or “gender nonconforming” identity.⁵ Likewise, the vast majority of parents would almost certainly want USD 501 to immediately inform them if their child decided to adopt such an identity at school.⁶ But USD 501 seems to *prohibit* its personnel from disclosing such information to parents unless the student authorizes the disclosure.

Second, it is undeniable that “[a] child changing his or her gender identity [could have] major long-term medical and psychological ramifications.”⁷ It would be arrogant beyond belief to hide something with such weighty consequences from the very people (parents) that both law and nature vest with providing for a child’s long-term well-being. That a Kansas school district could so cavalierly allow a *minor child*—whom science tells us does not even have a fully formed brain until into his or her twenties⁸—to decide whether his or her parents know about such things is shockingly irresponsible. USD 501 has apparently surrendered to woke gender ideology to the point of jettisoning both propriety and common sense.

Given these concerns, please answer the following questions:

1. Does Regulation 8100-03 accurately state the policy or practice of USD 501? If so, how do you square that policy or practice with *Troxel v. Granville*,⁹ *Stanley v. Illinois*,¹⁰ *Pierce v. Society of Sisters*,¹¹ and other U.S. Supreme Court cases¹² that affirm a parent’s right to direct the education and upbringing of their children?

³ *Id.* at 2 (emphasis added).

⁴ See *Troxel v. Granville*, 530 U.S. 57, 65-69 (2000) (opinion of O’Connor, J.) (discussing and approvingly citing, among other authorities, *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *id.* at 77 (Souter, J., concurring) (collecting cases); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923)).

⁵ See Press Release, Parents Defending Educ., Parents Defending Education poll: 71% of voters support legislation requiring schools to inform parents if their child wants to change their gender identity (Mar. 21, 2023), available at <https://defendinged.org/press-releases/parents-defending-education-poll-71-of-voters-support-legislation-requiring-schools-to-inform-parents-if-their-child-wants-to-change-their-gender-identity/> (poll crosstabs).

⁶ *Id.*

⁷ *Id.*; accord Complaint at ¶¶ 1-8, 23-66, 74, *Brockman v. Kaiser Found. Hosps., Inc.*, No. STK-CV-UMM-2023-0001612 (Cal. Super. Ct. Feb. 22, 2023), available at <https://libertycenter.org/wp-content/uploads/2023/02/Complaint1.pdf>.

⁸ Nat’l Inst. of Mental Health, *The Teen Brain: 7 Things to Know*, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know> (“The brain finishes developing and maturing in the mid-to-late 20s.”).

⁹ 530 U.S. 57 (2000).

¹⁰ 405 U.S. 645 (1972).

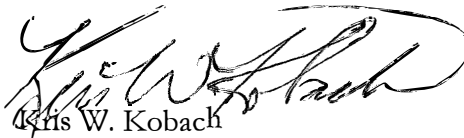
¹¹ 268 U.S. 510 (1925).

¹² See *supra* note 4.

2. Who formulated and/or drafted Regulation 8100-03? Please identify every person involved, regardless of whether such person was a USD 501 employee or otherwise paid by USD 501; include consultants, volunteers, activists, and all other persons. Also, please identify the role each person played in formulating and/or drafting Regulation 8100-03.
3. Did the USD 501 Board of Education consult with any lawyers, medical or psychological professionals, or other persons trained in relevant subjects before adopting Regulation 8100-03?
4. Did the Board make any specific or special efforts to survey or otherwise solicit the input of parents before adopting Regulation 8100-03? Did the prior superintendent make any specific or special efforts to survey or otherwise solicit the input of parents before recommending that the Board adopt Regulation 8100-03? My office is specifically interested in efforts beyond mere open-forum comments made at the meeting of the Board at which the Board approved Regulation 8100-03 or the usual Kansas Open Meetings Act requirement of reasonable notice.
5. Has any teacher, administrator, or other USD 501 employee ever knowingly used the birth name and biological-sex-associated pronouns of a child when discussing that child with his/her parent or legal guardian, but used a different name or set of pronouns for the child at school or otherwise away from that parent or legal guardian? If yes, please identify that employee, the circumstances surrounding such behavior, and any additional facts that you believe justify such behavior.
6. Does USD 501 (including any of its constituent schools) document in any way when a student adopts a “transgender” status or a “gender-nonconforming presentation” (including, but not limited to, when a student indicates a preference for pronouns that do not correspond to the student’s biological sex)? If so, how is that documented? If there is a standard form(s), spreadsheet(s), or other such document(s) for recording such information, please provide a blank copy of such form(s), spreadsheet(s), or other such document(s).

Please reply to this letter by December 20, 2023. Thank you for your attention to this matter.

Sincerely,



Kris W. Kobach
Attorney General

Cc: Carleen Lister, Clerk of the Board of Education (clister@tps501.org)



STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

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December 7, 2023

BY EMAIL & U.S. MAIL

Kansas City Kansas Public Schools, USD 500
ATTN: Anna Stubblefield, Superintendent
2010 N 59th St.
Kansas City, Kansas 66104
anna.stubblefield@kckps.org

RE: “Socially Transitioning” Minors Without Parental Consent

Dear Superintendent Stubblefield:

Recent reporting regarding your school district’s treatment of minors in its care is very troubling. A nationwide investigation by the organization Parents Defending Education determined that multiple Kansas school districts—including Kansas City Kansas Public Schools (“USD 500” or the “District”)—have policies stating that district personnel can or should keep a student’s “transgender” status hidden from parents.¹

It appears that USD 500 has a policy or practice that requires its personnel to hide a student’s “transgender” status or “gender-nonconforming presentation” from such student’s parents. This conclusion is based on USD 500’s “Guidelines for Transgender and Gender Non-Conforming Students at School”² (the “Guidelines”).

Part III.A of the Guidelines states the following (emphasis added):

Privacy. All persons, including students, have a right to privacy. This includes the right to keep *private* one’s transgender status or gender nonconforming presentation at school.

1. . . . School personnel *should not* disclose information that may reveal a student’s

¹ Parents Defending Educ., List of School District Transgender–Gender Nonconforming Student Policies (Mar. 7, 2023), <https://defendinged.org/investigations/list-of-school-district-transgender-gender-nonconforming-student-policies/>; accord David Hicks, *At Least 3 KS School Districts Hide Students’ Transgender Status from Parents*, THE SENTINEL (Mar. 16, 2023), <https://sentinelksmo.org/at-least-3-ks-school-districts-hide-students-transgender-status-from-parents/>.

² KAN. CITY KAN. PUB. SCHS., KANSAS CITY KANSAS PUBLIC SCHOOLS GUIDELINES FOR TRANSGENDER AND GENDER NON-CONFORMING STUDENTS AT SCHOOL 1-2 (rev. Oct. 31, 2016) [“Guidelines”], available at [https://go.boarddocs.com/ks/kckps/Board.nsf/files/AR8NN95EEAD2/\\$file/District%20Transgender%20Guidelines.6.7.17.pdf](https://go.boarddocs.com/ks/kckps/Board.nsf/files/AR8NN95EEAD2/$file/District%20Transgender%20Guidelines.6.7.17.pdf).

transgender status or gender nonconforming presentation to others, *including parents* and other school personnel, *unless* legally required to do so *or unless* the *student* has authorized such disclosure.

2. Transgender and gender nonconforming students have the right to discuss and express their gender identity and expression openly *and to decide when, with whom, and how much to share private information*. When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel *should* use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth *unless* the student, parent, *or* guardian has specified otherwise.³

The online agenda of the USD 500 Board of Education meeting at which this policy was discussed hyperlinks not only to the Guidelines but also to five additional – and apparently associated – documents.⁴

One of the associated documents is particularly concerning: “Training for Board 091817.pdf (1,111 KB).”⁵

That “Training” document is a PDF copy of a PowerPoint slideshow⁶ which presumably was used – or was meant to be used – to “train” the USD 500 Board of Education. One of the slides poses the question “What can we as adults do to keep our transgender and gender non-conforming students safe?”⁷ The answer provided on the same slide is as follows: “USD 500 has *established guidelines*

³ *Id.* at 2 (emphasis added).

⁴ To access the detailed agenda, go to BOARD POLICIES & OTHER INFORMATION, <https://www.kckschools.org/board-policies>. Click on “Board Policies” (which is at roughly the middle of the page). *See id.* A new tab will open at the following link: <https://go.boarddocs.com/ks/kckps/Board.nsf/Public?open&id=policies>. Select “MEETINGS” at the top right-hand of the page. *See id.* At the left-hand side of the page under “Featured,” select “2017.” *See id.* Scroll down to and select “Sep 18, 2017 (Mon) Special Meeting Agenda.” *See id.* Select “Print the Agenda” in the middle of the page. *See id.* A dialogue box will open. Near the top left-hand side of the dialogue box, select “Detailed Agenda.” Under “3. Reports of the Superintendent,” select the hyperlinked text “District Transgender Guidelines.6.7.17.pdf (231 KB).” The Guidelines will open in a new tab. Notably, the Guidelines also can be obtained by simply querying the document’s full title using an internet search engine.

⁵ The associated documents are “Transgender and Gender Non-Comforming [sic] Students memo 091817.pdf (192 KB),” “Training for Board 091817.pdf (1,111 KB),” “Glossary of Terms.pdf (202 KB),” “Genderbread-Person.pdf (4,346 KB),” and “Statistics.Updated.GLSEN Survey.2015.pdf (388 KB).” The preceding note provides instructions on how to access them. Notably, “Genderbread-Person.pdf (4,346 KB)” hyperlinks to a copy of the so-called “Genderbread Person,” *see* The Genderbread Person v3.3, [https://go.boarddocs.com/ks/kckps/Board.nsf/files/AR8NN65EE57E/\\$file/Genderbread-Person.pdf](https://go.boarddocs.com/ks/kckps/Board.nsf/files/AR8NN65EE57E/$file/Genderbread-Person.pdf), which has been the focus of controversy not only in our country but also in other English-speaking countries around the world, *see, e.g.*, Elly Blake, *Diagrams of a 'genderbread person' and term 'biologically male/female' is banned: School teaching resources on gender identity are revealed in damning report as [U.K. Prime Minister] Rishi Sunak says he's 'very concerned' by findings*, DAILY MAIL.COM (Mar. 30, 2023, 7:30 EDT), <https://www.dailymail.co.uk/news/article-11919573/Teaching-resources-gender-identity-revealed-Rishi-Sunak-says-hes-concerned.html> (“‘The Genderbread Person reduces a child’s identity to a number of highly contested beliefs, which again are not based in evidence,’ [Policy Exchange’s] report said. The hugely-controversial ‘genderbread person’ is used to illustrate the difference between gender identity, expression, sex and sexual orientation.”). But I set that issue aside for the purposes of this letter.

⁶ *See* Shelly Beech & Deb Woodard, Meeting the Needs of Our Gender Non-conforming and Transgender Students: Creating Equity through Policy Change and Professional Development ([DATE?]), [https://go.boarddocs.com/ks/kckps/Board.nsf/files/AR8NGT5E9F11/\\$file/Training%20for%20Board%20091817.pdf](https://go.boarddocs.com/ks/kckps/Board.nsf/files/AR8NGT5E9F11/$file/Training%20for%20Board%20091817.pdf).

⁷ *Id.* at 41.

for supporting our transgender and gender non-conforming in order to keep them *safe* and provide school administrators with action steps for providing a safe, caring and inclusive school culture.”⁸

The next two slides are a nearly verbatim recitation of parts of the Guidelines⁹ except in the following two important respects (among others):

- As noted above, the Guidelines say that “School personnel *should not* disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, including parents”¹⁰ But the slideshow presentation says that “School personnel *will not* disclose [such] information . . . to . . . parents”¹¹
- As also noted above, the Guidelines say that “[w]hen contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student’s legal name and the pronoun corresponding to the student’s gender assigned at birth *unless* the student, parent, *or* guardian has specified otherwise.”¹² The slideshow presentation says the same *except* that it omits the phrase “unless the student, parent, or guardian has specified otherwise”.¹³

This is problematic for two reasons.

First, parents have a fundamental constitutional right to direct both the education and upbringing of their children.¹⁴ A substantial majority of parents would at the very least want to have some say about something so inextricably connected to the upbringing of a child as a child’s decision to adopt, for example, a “transgender” or “gender nonconforming” identity.¹⁵ Likewise, the vast majority of parents would almost certainly want USD 500 to immediately inform them if their child decided to adopt such an identity at school.¹⁶ But USD 500 seems to *prohibit* its personnel from disclosing such information to parents unless the student authorizes the disclosure.

What’s more, USD 500 further undermines parents’ ability to direct their child’s upbringing by actively and purposefully exposing students to material designed to cause children to question their gender, their sex, or some aspect of sexuality—regardless of parental wishes. For example, USD 500’s website links to (and apparently endorses) a number of “resources” including the NEA’s “LGBTQ+

⁸ *Id.* (emphasis added).

⁹ Compare Guidelines, *supra* note 2, at 2 (Part III.A, Part III.A.1, and Part III.A.2), with Beech & Woodard, *supra* note 6, at 42-43 (emphasis added).

¹⁰ See text accompanying *supra* note 4.

¹¹ Beech & Woodard, *supra* note 6, at 42 (emphasis added).

¹² See text accompanying *supra* note 4.

¹³ See Beech & Woodard, *supra* note 6, at 43

¹⁴ See *Troxel v. Granville*, 530 U.S. 57, 65-69 (2000) (opinion of O’Connor, J.) (discussing and approvingly citing, among other authorities, *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997); *id.* at 77 (Souter, J., concurring) (collecting cases); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Parham v. J. R.*, 442 U.S. 584, 602 (1979); *Quilloin v. Walcott*, 434 U.S. 246, 255 (1978); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Stanley v. Illinois*, 405 U.S. 645, 651 (1972); *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944); *Pierce v. Soc’y of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923)).

¹⁵ See Press Release, Parents Defending Educ., Parents Defending Education poll: 71% of voters support legislation requiring schools to inform parents if their child wants to change their gender identity (Mar. 21, 2023) [“PDE Press Release”], available at <https://defendinged.org/press-releases/parents-defending-education-poll-71-of-voters-support-legislation-requiring-schools-to-inform-parents-if-their-child-wants-to-change-their-gender-identity/> (crosstabs).

¹⁶ *Id.*

Resources” webpage.¹⁷ This supposed “resource” endorses books and provides lesson plans for children as young as *pre-K* that involve/promote transgenderism.¹⁸ Whatever one thinks about such topics, surely we can agree that a teacher should not be discussing gender and sexuality *with children who are four and five years old* without clear direction from their parents.

Second, it is undeniable that “[a] child changing his or her gender identity [could have] major long-term medical and psychological ramifications.”¹⁹ It would be arrogant beyond belief to hide something with such weighty consequences from the very people (parents) that both law and nature vest with providing for a child’s long-term well-being. That a Kansas school district could so cavalierly allow *a minor child*—whom science tells us does not even have a fully formed brain until into his or her twenties²⁰—to decide whether his or her parents know about such things is shockingly irresponsible. USD 500 has apparently surrendered to woke gender ideology to the point of jettisoning both propriety and common sense.

Given these concerns, please answer the following questions:

1. Do the Guidelines accurately state the policy or practice of USD 500? If so, how do you square that policy or practice with *Troxel v. Granville*,²¹ *Stanley v. Illinois*,²² *Pierce v. Society of Sisters*,²³ and other U.S. Supreme Court cases²⁴ that affirm a parent’s right to direct the education and upbringing of their children?
2. Who formulated and/or drafted the Guidelines? Please identify every person involved, regardless of whether such person was a USD 500 employee or otherwise paid by USD 500; include consultants, volunteers, activists, and all other persons. Also, please identify the role each person played in formulating and/or drafting the Guidelines.
3. Did the USD 500 Board of Education consult with any lawyers, medical or psychological professionals, or other persons trained in relevant subjects before adopting the Guidelines? Did the prior superintendent consult with any such professionals or other persons before presenting and recommending that the Board adopt the Guidelines? Please identify any such persons with whom either the Board or prior superintendent consulted.

¹⁷ See SEXUAL ORIENTATION & GENDER EXPRESSION, <https://www.kckschools.org/diversity-equity-and-inclusion/dei-resources/sexual-orientation-gender-expression> (last visited Apr. 17, 2023) (“National Educator’s Association - LGBTQ+ Resources - for educators and teachers who want to make a more inclusive space”).

¹⁸ See NEA LGBTQ+ RESOURCES, <https://www.nea.org/resource-library/nea-lgbtq-resources> (featuring a hyperlink labelled “Great Diverse Books for Your School, Library, or Home” which leads to <https://welcomingschools.org/resources/books> which features a hyperlink labelled “Elementary Booklists” which leads to <https://welcomingschools.org/resources/elementary-booklists> which features hyperlinks to a number of downloadable PDF files including a download titled “Supporting Transgender & Non-Binary Students Booklist for Elementary” which features books targeted at children as young as “Pre-K” and as old as “9”).

¹⁹ PDE Press Release, *supra* note 16; *accord* Complaint at ¶¶ 1-8, 23-66, 74, *Brockman v. Kaiser Found. Hosps., Inc.*, No. STK-CV-UMM-2023-0001612 (Cal. Super. Ct. Feb. 22, 2023), available at <https://libertycenter.org/wp-content/uploads/2023/02/Complaint1.pdf>.

²⁰ Nat’l Inst. of Mental Health, *The Teen Brain: 7 Things to Know*, <https://www.nimh.nih.gov/health/publications/the-teen-brain-7-things-to-know> (“The brain finishes developing and maturing in the mid-to-late 20s.”).

²¹ 530 U.S. 57 (2000).

²² 405 U.S. 645 (1972).


²³ 268 U.S. 510 (1925).

²⁴ See *supra* note 14.

4. Did the Board make any specific or special efforts to survey or otherwise solicit the input of parents before adopting the Guidelines? Did the prior superintendent make any specific or special efforts to survey or otherwise solicit the input of parents before recommending that the Board adopt the Guidelines? My office is specifically interested in efforts beyond mere open-forum comments made at the Board's meeting on September 18, 2017, or the usual Kansas Open Meetings Act requirement of reasonable notice.
5. Has any teacher, administrator, or other USD 500 employee ever knowingly used the birth name and biological-sex-associated pronouns of a child when discussing that child with his/her parent or legal guardian, but used a different name or set of pronouns for the child at school or otherwise away from that parent or legal guardian? If yes, please identify that employee, the circumstances surrounding such behavior, and any additional facts that you believe justify such behavior.
6. Does USD 500 (including any of its constituent schools) document in any way when a student adopts a "transgender" status or a "gender-nonconforming presentation" (including, but not limited to, when a student indicates a preference for pronouns that do not correspond to the student's biological sex)? If so, how is that documented? If there is a standard form(s), spreadsheet(s), or other such document(s) for recording such information, please provide a blank copy of such form(s), spreadsheet(s), or other such document(s).

Please reply to this letter by December 20, 2023. Thank you for your attention to this matter.

Sincerely,



Kris W. Kobach
Attorney General

Cc: Leslie Smith, Clerk of the Board of Education (Leslie.Smith@kckps.org)

