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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF PLACER

CALIFORNIA DEPARTMENT OF EDUCATION,

Petitioner,

v.

ROCKLIN UNIFIED SCHOOL DISTRICT,

Respondent.

Case No. S-CV-0052605

PETITIONER CALIFORNIA DEPARTMENT OF EDUCATION'S REPLY BRIEF IN SUPPORT OF PETITION FOR WRIT OF MANDATE

Petition Hearing:

Date: September 18, 2026
Time: 8:30 a.m.
Dept: 1
Judge: Commissioner Christine Dehr

I. INTRODUCTION

Respondent Rocklin Unified School District's (RUSD) opposition rests on the fundamental misconception that its policy is required by federal law. But the policy exceeds what the Supreme Court has preliminarily held is required under parental substantive due process and free exercise doctrine in at least three respects: (1) the policy requires that school staff disclose information about a student's gender identity to that student's parent in *all* circumstances, regardless of whether the parent has asked for that information or objected to being denied it; (2) the policy requires disclosure even when school staff have determined that the student will be abused as a result; and (3) the policy fails to connect the circumstances in which disclosure is required to symptoms of gender dysphoria. RUSD could enact a policy that conforms with the scope of parental rights under the federal constitution, but it has instead chosen to enact a discriminatory policy that puts vulnerable young people in harm's way. The court should grant Petitioner California Department of Education's (CDE) request to compel RUSD to comply with the CDE's corrective actions that are designed to bring RUSD into compliance with state anti-discrimination law.

II. CDE'S FINDING THAT RUSD'S POLICY IS DISCRIMINATORY IS NOT IN CONFLICT WITH FEDERAL LAW

A. Federal Law is More Limited than RUSD Suggests

RUSD asserts that the CDE's finding that RUSD's gender disclosure policy is discriminatory contravenes federal law, and that RUSD's policy is required by federal law. That is incorrect. In *Mirabelli v. Bonta* (2006) 607 U.S. 492 (*per curiam*), the Supreme Court held in a preliminary ruling on the emergency docket that parents likely have a substantive due process right "not to be shut out of participation in decisions regarding their children's mental health," and that a State's policies likely violate that right to the extent they "conceal" from parents the information that a child has "exhibit[ed] symptoms of gender dysphoria at school." (*Mirabelli*, 607 U.S. at p. 497.) As the Supreme Court stated, however, such parental due process rights are not absolute. Among other things, States must disclose this information only to parents who request it, and the State may permissibly restrict school officials from disclosing a student's gender identity "to parents who would engage in abuse." (*Ibid.*) The Supreme Court did not hold or even suggest that school officials are constitutionally obligated to

provide information to parents who have not asked to receive it. To the contrary, *Mirabelli* left in place an injunction limited to "those parents who object to the challenged policies or seek religious exemptions," *not* "all the parents of California public school students." (*Id.* at p. 498.)[1]

RUSD's policy exceeds what the Supreme Court held is likely required under federal constitutional law in three respects. And because that policy is not required by federal law, this Court is free to hold -- and should hold -- that the policy violates state law and that RUSD must comply with the CDE's corrective actions.

First, as RUSD concedes (Opposition Brief (Opp.), p. 5), the Supreme Court in *Mirabelli* upheld the district court's injunction as to the parent plaintiffs in that case on the understanding that it provided relief only to "those parents who object to the challenged policies or seek religious exemptions," not "all the parents of California public school students." (*Mirabelli v. Bonta*, *supra*, 607 U.S. at p. 498.) In so doing, the Court necessarily did not embrace any suggestion that school officials have a constitutional obligation to affirmatively disclose information about gender identity to parents who have not asked to (and may not want to) receive it. Yet, RUSD's policy requires disclosure to *all* parents, even if they have not asked for the information and do not object to school staff respecting their child's request for privacy. Thus, by requiring notification to all parents without exception, RUSD's policy exceeds what parental rights likely require under *Mirabelli*.

Second, RUSD's policy requires notification to parents of a child's expression of gender-nonconforming identity at school even where RUSD "determines based on credible evidence that such notification may result in substantial jeopardy to the child's safety." (Petition, Exh. B at ¶ 21.) That is, under RUSD's policy, parental notification must occur even where the school has evaluated the

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[1] The Ninth Circuit's recent unpublished order in *City of Huntington Beach v. Newsom* (9th Cir., June 18, 2026, No. 25-3826) 2026 WL 1785110 simply applied the ruling in *Mirabelli* when granting a request for an injunction pending appeal. The decision is expressly limited to seven "objecting parents who affirmatively desire" information that their child is exhibiting symptoms of gender dysphoria at school. (2026 WL 1785110 at p. *3.) And it does not compel disclosure where abuse could result. (See *Id.* at p. *4 ["there is no contention that any of the Movants are 'unfit parents' who present a risk of abuse if they are provided with information about their children exhibiting symptoms of gender dysphoria."].)

situation and concluded that the notification may endanger the child's well-being because the parent may, upon notification, abuse the child. Although the RUSD policy allows (but does not require) a 48-hour delay in parental notification to allow school staff to report likely abuse to state authorities, the policy still requires disclosure within three days (plus up to 48 hours for reporting) regardless of whether the child remains subject to abuse.

Federal law does not require school staff to endanger children in this way. The Supreme Court made clear that a state policy that precludes parental notification in circumstances where a parent would abuse the child would survive strict scrutiny. (*Mirabelli v. Bonta*, *supra*, 607 U.S. at p. 497 [state could serve "its interest in safety" by "precluding gender identity disclosure to parents who would engage in abuse"]; see also *In re Marilyn H.* (1993) 5 Cal.4th 295, 307 [the "welfare of a child is a compelling state interest that a state has not only a right, but a duty, to protect"]; *New York v. Ferber* (1982) 458 U.S. 747, 756-757 [noting State's compelling interest in "safeguarding the physical and psychological well-being of a minor"].) Therefore, the CDE's finding -- that RUSD's policy requiring notification of a child's gender-nonconforming identity to parents who would abuse the child is discriminatory -- does not conflict with federal law.

Third, RUSD has not connected the disclosures required by the policy to a student's mental health—indeed, it concedes that this is "a distinction RUSD neither expects nor permits its educators to make" under its discriminatory policy. (Opp., p. 5.) And contrary to RUSD's claim that *Mirabelli* "contains no language supporting such a distinction," (*Ibid.*), the Supreme Court expressly tethered the parental right at issue to a child's mental health, not to their gender identity or gender expression more generally. As the Supreme Court stated: "Gender dysphoria is a condition that has an important bearing on a child's mental health," and "when a child exhibits symptoms of gender dysphoria at school," the parental substantive due process right "not to be shut out of participation in decisions regarding their children's mental health" is likely violated to the extent state laws "conceal that information from parents and facilitate a degree of gender transitioning during school hours" without informing parents. (*Mirabelli v. Bonta*, *supra*, 607 U.S. at p. 497.) But the right "not to be shut out of participation in decisions regarding their children's mental health" will not be implicated every time a student expresses a transgender identity because merely being transgender is not a "symptom[] of gender

dysphoria," the factor on which the Supreme Court based its analysis. (See *Ibid.*) Gender dysphoria is "a medical condition" from which only "*[s]ome* transgender individuals suffer" that is "characterized by persistent, clinically significant distress resulting from an incongruence between gender identity and biological sex." (*United States v. Skrmetti* (2025) 605 U.S. 495, 502-503 (emphasis added); see also *Id.* at p. 519 ["there is a 'lack of identity' between transgender status and . . . medical diagnoses" of "gender dysphoria"].) By contrast, merely being transgender is "not a psychiatric condition, and 'implies no impairment in judgment, stability, reliability, or general social or vocational capabilities.'" (*Grimm v. Gloucester Cty. Sch. Bd.* (4th Cir. 2020) 972 F.3d 586, 594, *cert. den.* (2021) 141 S.Ct. 2878.) RUSD's policy does not make any effort to limit parental notification to circumstances in which a gender-nonconforming student is experiencing symptoms of "gender dysphoria." (See *Mirabelli*, at p. 497.) It compels disclosure whenever a student requests that their transgender or gender non-conforming identity be respected at school, but the mere fact that a student identifies as transgender or gender-nonconforming does not mean that the student is exhibiting a symptom of gender dysphoria or any other mental health condition. RUSD also asserts that the CDE is somehow estopped from asserting that RUSD's policy violates state anti-discrimination law because the CDE has complied with the federal district court injunction in *Mirabelli*. (Opp., pp. 8-10.) That injunction, which has been stayed as to the teacher plaintiffs and is on appeal in its entirety in the Ninth Circuit, is no barrier to the corrective action sought here. CDE asks that this Court declare RUSD's policy unlawful and require that it not implement the policy, but CDE is not seeking to prevent RUSD personnel from providing information to parents who object to non-disclosure or otherwise seeking to enforce state law in a way that would require school staff to take actions forbidden by the injunction.

In sum, a determination that RUSD's policy violates state law will not infringe upon parental rights. RUSD remains free to enact a policy that tracks, but does not exceed, what the federal constitution requires. And even absent any policy, school staff must of course comply with federal constitutional law. Because the policy exceeds the limitations described by the Supreme Court in *Mirabelli*, it exceeds what is likely required under parental substantive due process, and may be invalidated for discriminating in violation of state law.

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B. RUSD's Policy Violates State Anti-discrimination Law

RUSD's policy violates state anti-discrimination law. It discriminates based on transgender status, which in California is subject to strict scrutiny. (E.g., *Taking Offense v. State of California* (2021) 66 Cal.App.5th 696, 722-723, *revd. on other grounds* (2025) 18 Cal.5th 891; *Catholic Charities of Sacramento, Inc. v. Super. Ct.* (2004) 32 Cal.4th 527, 564.) And it relies on overbroad generalizations, treating all transgender students the same irrespective of their actual mental health needs, and fails to account for risk of abuse. Moreover, a number of more narrowly tailored and nondiscriminatory alternatives exist that would not run afoul of state law.

This is discriminatory because RUSD cites no other circumstance in which it requires notification to parents of information where RUSD has determined that such notification itself may result in parental abuse of the child. That is, the only type of information -- expression of a gender-nonconforming identity at school -- as to which RUSD has such a requirement is information that, by its very nature, is unique to one protected group: gender-nonconforming students.

RUSD's argument as to why the policy is not discriminatory is both ironic and dangerous. (Opp., pp. 7-8.) RUSD argues that it is merely communicating information to parents "affecting their child's well-being," as it would in other circumstances. But under this policy, RUSD will communicate information about a child's gender-nonconforming identity to parents where RUSD has determined that *the communication itself may endanger the child's well-being*, at the hands of the parents to whom RUSD is purporting to communicate information "affecting their child's well-being." (*Id.)*

RUSD argues that this explicit singling out of gender-nonconforming students for exposure to potential parental abuse is not discriminatory because it includes a "child-safety exception designed to permit compliance with mandatory reporting obligations" under the Child Abuse and Neglect Reporting Act (CANRA). (Pen. Code, §§ 11164 *et seq*.) The RUSD policy permits delay in parental notification "up to 48 hours" to "fulfill mandated reporter requirements." RUSD argues that this provision "ensures that there is time and authority to trigger the State's existing child-safety apparatus before a parent is notified." (Opp., p. 8.) RUSD's argument misunderstands CANRA, and its policy provides no protection to students who could be endangered by RUSD's policy.

First, CANRA only requires school personnel to report known or suspected child abuse to a

child welfare agency or police department—it does not prohibit a school staff member from disclosing a student's transgender or gender-nonconforming identity, even if the staff member knows that disclosure could cause abuse. (See generally Penal Code, §§ 11164-11174.3.) Second, CANRA requires reporting only when someone "*has been* the victim of child abuse or neglect"—i.e., when the abuse *already* has occurred. (*Id.*, § 11166, subd. (a) [emphasis added].)[2] RUSD's policy thus provides no actual exception to prevent disclosure when there is risk of abuse. Third, even assuming that a child abuse report is made prior to disclosure, all RUSD's policy does is delay that notification by 48 hours. Even if the submitted report has not yet triggered a child abuse investigation, even if any commenced investigation is still pending, or even if the CANRA investigation finds that abuse *will* occur upon disclosure—RUSD's policy would require disclosure.[3] Fourth, CANRA applies only to minors. (*Id.*, § 11165.7(a).) Therefore, if RUSD determines, based on credible evidence, that parental notification may result in substantial jeopardy to an 18-year-old student's safety, the policy mandates parental notification without a 48-hour delay.

In sum, RUSD's reference to a "child-safety exception" is a misnomer. RUSD's mandatory parental notification policy provides no protection to students who may face abuse as a result of the notification RUSD's policy requires.

Mandating parental notification in *all* instances of expression of gender non-conformity at school is discriminatory because RUSD identifies no other type of information as to which it requires parental notification based on student well-being without regard to whether it has been determined that the information actually relates to any concern about student well-being. RUSD argues that it does not expect its school staff to be able to diagnose gender dysphoria. (Opp., p. 5.) It is understood that school staff do not make psychological diagnoses. But school staff regularly make determinations about their observations of students, and then make decisions based thereon. For example, as discussed above,

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[2] While Penal Code § 11166.05 states that a mandated report "may" also report when a child is "at a substantial risk of suffering serious emotional damage," such reports are merely permitted, not required, under CANRA.

[3] Nothing in CANRA guarantees the commencement or completion of an abuse investigation in 48 hours, let alone remedial action in 48 hours. (See generally, Penal Code, § 11164-11174.3.)

school staff determine whether there is "suspected" child abuse warranting a mandated report under CANRA to child protection agencies. It is only in the case of expression of gender non-conformity at school that RUSD dispenses with any such analysis and uniformly mandates a particular action -- parental notification -- simply based on the fact of the student's expression of gender non-conformity.

III. THE REQUIREMENTS FOR ISSUANCE OF A WRIT ARE MET

A. RUSD has a mandatory duty to perform the corrective actions assigned by the CDE

A writ of mandate may issue to compel the performance of an act which the law specifically enjoins. (Code Civ. Proc., § 1085(a).) The availability of writ relief to compel a public agency, including a local educational agency (LEA), to perform an act prescribed in law has long been recognized. (See, e.g., *Bullis Charter Sch. v. Los Altos Sch. Dist.* (2011), 200 Cal.App.4th 1022, 1035-1036; *Ochoa v. Anaheim City Sch. Dist.* (2017) 11 Cal.App.5th 209, 233; *Norton v. San Bernardino City Unified Sch. Dist.* (2008) 158 Cal.App.4th 749, 756-757.)

The CDE demonstrated in its opening brief that LEAs have a duty to ensure that students are not discriminated against based on protected characteristics in their educational programs and activities that receive state financial assistance, and LEAs have a concomitant duty to adopt policies that prohibit such discrimination. (Ed. Code, §§ 220, 234.1.) The purpose of California's educational equity laws is to prohibit discriminatory acts in public schools and "to provide remedies that will eliminate those discriminatory acts." (Ed. Code, § 200.) LEAs have "primary responsibility" for ensuring there is no discrimination based on protected characteristics in public schools. (Cal. Code Regs., tit. 5, § 4960(a).) When the CDE directly investigated and found discrimination, RUSD had a mandatory duty to perform the corrective actions that would place RUSD back in compliance with law. (Cal. Code Regs., tit. 5, § 4670(a) (LEA "must" perform the CDE's corrective actions in order to come into compliance).) The CDE's corrective actions were clear and explicit and must be met. No law grants RUSD the discretion to disregard the corrective actions assigned by the CDE.

RUSD cites Education Code Section 35160 for the proposition that LEAs are entitled to discretion, generally, in how they go about their affairs. (Opp., p. 11.) But that section only states that governing boards of school districts may act in any manner "which is not in conflict with or inconsistent with, or preempted by, any law . . . " The CDE has demonstrated that RUSD's policy *is* in

conflict with California law prohibiting discrimination based on protected characteristics in public schools. A case cited by RUSD supports this point. In *California Teachers Assn. v. Governing Board of Rialto Unified Sch. Dist.* (1997) 14 Cal.4th 627, 650, a school district could not exercise discretion to choose the "best available" coach when a statute mandated giving preference to credentialed teachers currently employed in the school district. Education Code Section 35160 does not allow RUSD to ignore CDE corrective actions that result from a finding of discrimination under the UCP.

RUSD asserts without authority that a duty is not ministerial if the existence of the duty is "legally disputed." (Opp., p. 13.) But there can be no dispute that California law prohibits discrimination based on protected characteristics in public schools, and that LEAs must perform corrective actions assigned by the CDE upon a finding of discrimination. The cases cited by RUSD are not helpful to it, as they simply involve matters of discretion that are factually distinguishable from RUSD's obligations here. The cited cases do not stand for the proposition that an LEA such as RUSD can ignore mandatory corrective actions imposed on the LEA by the state educational agency simply because the LEA disagrees with the CDE's determination that the LEA engaged in discrimination.[4] In *Dawson v. East Side Union High School District* (1994) 28 Cal.App.4th 998, 1018, a writ would not issue to compel an LEA to change its discretionary decision to allow classroom video advertising because no law prohibited doing so. In *State of California v. Superior Court (Veta Co.)* (1974) 12 Cal.3d 237, 247-48, the analysis of whether a proposed development "will not have any substantial adverse environmental or ecological effects" involved an inherent exercise of discretion.

B. CDE has a right to RUSD's performance of its duty

The CDE demonstrated in its opening brief that: state policy and law prohibit discrimination based on protected characteristics in public schools (Ed. Code, §§ 200, 220.); state policy calls for providing remedies to eliminate discriminatory acts in public schools (*Id*., § 200); the CDE has oversight of laws relating to public education (*Id*., § 33308); the CDE was required to establish a system of complaint processing known as the UCP to address, among other matters, complaints of

[4] The CDE notes that RUSD had the option to file a writ to challenge the CDE's finding of discrimination. RUSD failed to do so.

discrimination based on protected characteristics in public schools (*Id*., § 33315(a)(1)(F)); the CDE is authorized to issue corrective actions upon a direct investigation finding of discrimination (Cal. Code Regs., tit. 5, § 4664(a)(6)); the State Superintendent of Public Instruction who heads the CDE "has[s] the authority" to enforce discrimination law (*Id*., § 202(f)); and the CDE "may use any means authorized by law" to effect compliance with corrective actions (Cal. Code Regs., tit. 5, § 4670(a).) When the CDE directly investigated RUSD's policy and found it discriminatory, the CDE pursuant to law assigned corrective actions and informed RUSD that it must perform those corrective actions in order to come into compliance with state anti-discrimination law. (Cal. Code Regs., tit. 5, §§ 4664(a)(6), 4670(a).)

In sum, the CDE is authorized in state law to take necessary steps to ensure that students in public schools are protected from discrimination.

RUSD fails to contest any of these citations. RUSD merely relies on its earlier argument that it disagrees with the CDE's interpretation that RUSD's policy is discriminatory.[5] (Opp., p. 13.) The CDE has addressed that contention above.

C. There is no plain, speedy, or adequate remedy aside from the writ (Code Civ. Proc., § 1086)

The CDE demonstrated in its opening brief that given RUSD's refusal to comply, granting probationary eligibility for continued receipt of funds is unlikely to compel compliance; that the CDE cannot curtail funding until it has been determined that compliance cannot be secured by any other means; and that therefore the only remaining mechanism is for the CDE to seek an appropriate order compelling compliance form a court. (Cal. Code Regs., tit. 5, §§ 4670(a)(1), (2), (3), and (b).)

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[5] RUSD also argues, without citation to any authority, that the CDE does not have the authority to litigate "constitutional" questions. (Opp., pp. 10-12.) In any event, the CDE's UCP decision was issued pursuant to Education Code Sections 33315(a)(1)(F) and (a)(5), and implementing regulations thereto, authorizing the CDE to investigate allegations of violations of Education Code Section 220, which prohibits discrimination based on protected characteristics in public schools. The CDE found non-compliance and assigned corrective actions that were designed to have RUSD come into compliance with that anti-discrimination statute.

RUSD argues in conclusory terms that the CDE has not shown that granting probationary eligibility or curtailing funding are inadequate remedies. (Opp., p. 14.) Yet RUSD fails to even attempt to counter the argument that granting probationary eligibility for funding would be unlikely to compel compliance. And RUSD fails to counter the legal requirement that CDE pursue other means (including this lawsuit) before curtailing funding. Finally, when the legislature creates a duty but wishes to limit the use of a writ of mandate to enforce it, it has done so affirmatively. (*Santa Clara County Counsel Attorneys Assn. v. Woodside* (1994) 7 Cal.4th 525, 540-541.) The legislature did not do so here.

IV. CONCLUSION

Because RUSD continues to fail to perform its legal, ministerial duty to implement the assigned corrective actions, the CDE respectfully requests that the Court (1) declare that RUSD's policy is contrary to California's anti-discrimination laws, specifically, California Education Code Section 220, and (2) issue a writ of mandate to compel RUSD to comply with the corrective actions assigned in the CDE's February 1, 2024 Investigation Report.

Dated: August 7, 2026

Respectfully submitted,

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