



That *all* might be free.

July 27, 2026

VIA EMAIL AND U.S. MAIL

Principal Heidi Gilmore
Henry David Thoreau Elementary School
8224 NE 138th Street
Kirkland, WA 98034
hgilmore@lwsd.org

Superintendent Dr. John Holmen
Lake Washington School District
16250 NE 74th Street
Redmond, WA 98052
superintendent@lwsd.org

Re: Formal Parental Opt-Out Notice — Averkiev

Dear Principal Gilmore and Superintendent Holmen:

We represent Mr. Konstantin Averkiev and write on his behalf about his son, who will be in fifth grade at Henry David Thoreau Elementary School this fall.

I. Notice and Demand

This letter provides notice that the District failed to honor our client's prior opt-out request and renews that request in writing. We seek written assurances, before school resumes, that our client's parental rights will not be violated again.

Mr. Averkiev's sincerely held Christian beliefs guide what he teaches his son, Simon, about human sexuality, gender, and identity. As the Supreme Court has made clear, government schools may not interfere with the religious development of a child or bypass parents when school materials and activities threaten to undermine their religious upbringing. *See Mahmoud v. Taylor*, 606 U.S. 522, 550 (2025). And they cannot cut parents out of consequential decisions about their child's involvement in activities, instruction, and policies on gender identity and sexuality. *Mirabelli v. Bonta*, 607 U.S. 492, 495–96 (2026) (per curiam).

II. Prior Violation of Mr. Averkiev's Rights

Last September, Mr. Averkiev met in person with his son's fourth-grade teacher, Mr. Petchalonis, and asked him for notice and an opt-out before any lessons on LGBTQ+ topics, gender identity, or transgender/gender-change subjects. Mr. Averkiev explained

that this request was based on his religious beliefs. And Mr. Petchalonis assured Mr. Averkiev that he would give him notice and an opportunity to opt out before any such instruction was given to his son. But that didn't happen. Mr. Petchalonis did not contact Mr. Averkiev at any time during the 2025-26 school year to notify him of such curriculum or seek his opt-out. Yet in June 2026, Mr. Averkiev learned from his son that his son's class had received a lesson on "gender change" surgery without prior notice or his consent.

Mr. Averkiev wrote Mr. Petchalonis right away to try to understand why his son had been given the lesson contrary to his instructions at the beginning of the year. When pressed, Mr. Petchalonis confirmed what had occurred and acknowledged in writing that he remembered Mr. Averkiev's request. He agreed that he would have provided the materials—which were part of a Pride Month lesson—to him in advance if he could do it again.

Mr. Averkiev then wrote Principal Gilmore and asked for the school to preserve the relevant documents, produce the lesson materials at issue, provide a written explanation and assurances that his notice and opt-out rights related to LGBTQ+ content would be honored going forward. Principal Gilmore did not respond.

Because Principal Gilmore did not respond, we renew Mr. Averkiev's opt-out requests in writing as outlined below. We also demand that the District provide written confirmation by August 7, 2026, that Mr. Averkiev's opt-out requests will be honored in full during the entirety of his son's 2026-2027 school year, and that all his teachers will be notified accordingly.

III. Opt-Out Requests

Under *Mahmoud* and *Mirabelli*, Mr. Averkiev asserts his rights to withhold permission for the District to subject his son to LGBTQ+ lessons, materials, activities, or policies because those lessons, materials, activities, and policies violate his religious beliefs and undermine his son's religious upbringing.

Accordingly, this letter serves as notice of Mr. Averkiev's request that his son be opted out of all LGBTQ+ lessons, materials, activities, and policies, including:

- LGBTQ+ curricula, including both core curricula in any subject, and any secondary or supplemental lessons, materials, or activities taught or otherwise provided to students by any teacher in any subject.
- LGBTQ+ lessons, materials, or activities in any assemblies, school events, or presentations whether presented by students, by District staff, or by outside groups.
- LGBTQ+ lessons, materials, or activities in any extracurricular activities, clubs, or student groups.



- Surveys that include questions on sexuality, sexual orientation, gender identity, race, religion, or politics.

Mr. Averkiev also requests that his son be opted out of all sex education lessons, materials, activities, and policies, including:

- Sex education curriculum and health lessons that discuss sexuality or sexual health.
- FLASH curriculum or any other state or District-adopted sex education curriculum.
- Assemblies, school events, or presentations from student, District, or outside groups on sexuality or sexual health.

Mr. Averkiev also does not give the District, or any staff member, permission to:

- Talk with his son about LGBTQ+ topics, including in individual conversations or counseling.
- Change his son's name or pronouns at school, or otherwise engage in socially transitioning his son.
- Require his son to use a "preferred name or pronoun" for any other person, including any student, teacher, or District staff member.
- Require his son to share private spaces, including restrooms, locker rooms, or overnight accommodations with a student of the opposite sex.

If any of the issues in Mr. Averkiev's opt-out request arise, Mr. Averkiev asks that his son's teacher or another school official contact him to discuss the lessons, materials, activities, or policies at issue so that he can make an alternative arrangement for his son. Before Mr. Averkiev can make an informed decision, he must be provided with the following as part of that contact:

- The date, time, location, staff involved, and whether participation is mandatory;
- Complete copies of all materials, prompts, surveys, scripts, slides, books, handouts, and links; and
- The non-stigmatizing alternative assignment or placement that will be provided.

Mr. Averkiev's son is not to be included in any of the lessons, materials, activities, or policies for which Mr. Averkiev has asserted an opt-out right, and his son must not be penalized for this exercise of his opt-out rights.

IV. PRESERVATION, PRODUCTION, AND STAFF NOTICE

In addition to the opt-out request, Mr. Averkiev asks the District to immediately preserve and produce all documents, communications, policies, training materials,



lesson materials, and records concerning Mr. Averkiev's prior opt-out request, including the LGBTQ+ instruction given at his son's school during the 2025-26 school year. This includes:

- The June 2026 Pride Month lesson and the decision to provide it without advance notice to Mr. Averkiev specifically and parents generally;
- The Averkiev family's opt-out requests and any staff communications about the requests, their scope, or their implementation for the 2025-26 school year;
- LGBTQ+ instruction, Pride Month observances, parent notice, opt-out procedures, pronoun/name usage, social transition, and confidentiality or non-disclosure to parents;
- GLSEN materials, school-safety or belonging data, and any survey data or materials used or referenced in instruction; and
- The names and roles of the decision-makers for the June 2026 lesson and for administering parent opt-out requests.

Mr. Averkiev asks that the District produce copies of these materials to him through his attorneys by August 7, 2026. Copies can be emailed to me at kanderson@adflegal.org.

V. RECORDS AND REQUIRED WRITTEN ASSURANCES

Given the past failure to honor Mr. Averkiev's opt-out request, Mr. Averkiev requests written confirmation by August 7, 2026, that for the entirety of the 2026-27 school year, his opt-out requests will be honored as specified in this letter. He further asks for written confirmation that relevant staff and teachers will be notified and given a copy of this letter. This includes any classroom teacher, counselor, specialist, librarian, or staff member who works with his son, as well as the Title IX coordinator and any staff members responsible for enforcement of gender-identity, pronoun, social transition, or confidentiality policies.

If we do not receive satisfactory written confirmation by that deadline, we are prepared to pursue all available legal remedies, including formal legal action.

Regards,



Katherine L. Anderson
kanderson@ADFlegal.org
Counsel for Plaintiff

cc: Mr. Konstantin Averkiev (via email)