



May 11, 2026

Via U.S. Mail & Electronic Mail
Dr. George F. Fiore, CCIU Executive Director
Chester County Intermediate Unit 24
455 Boot Road,
Downingtown, PA 19335
GeorgeF@cciu.org

Dear Dr. Fiore,

Re: Notice of Representation and Demand Letter Regarding Policy 103.2

I. INTRODUCTION

The Independence Law Center (ILC) and Alliance Defending Freedom (ADF) have been retained to represent [REDACTED] Chester County Intermediate Unit 24 (the “District”). By way of introduction, ILC is a public interest law and educational civil rights law firm. ADF promotes the freedom of every person to live out their religious convictions in the public square and is dedicated to ensuring freedom of speech, religious freedom, and the fundamental right of parents to direct the upbringing of their children.¹

Earlier this year, the U.S. Supreme Court ruled that California school policies that prohibited schools from disclosing a child’s gender transitioning activity to parents without the child’s consent likely violate the Free Exercise Clause of the First Amendment and the Due Process Clause of the Fourteenth Amendment. *Mirabelli v. Bonta*, No. 25A810, 607 U.S. ____ (Mar. 2, 2026), and reinstated the injunction granted in *Mirabelli v. Olson*, 691 F. Supp. 3d 1197 (S.D. Cal. 2023).² The District maintains a policy that is substantially similar. District Board Policy 103.2 mandates teachers to hide at-school “transition” from the parents of students:

...Intermediate Unit personnel should not disclose information that may reveal a student’s transgender status or gender nonconforming presentation to others, including the student’s parents/guardians and/or other Intermediate Unit personnel, unless legally required to do so or unless the student has authorized such disclosure.

¹ ADF has successfully challenged several policies similar to the District’s policy. *Geraghty v. Jackson Local Sch. Dist. Bd. of Educ.* (<https://adfmedia.org/case/geraghty-v-jackson-local-school-district-board-education/>); *Kluge v. Brownsburg Comm. Sch. Corp.* (<https://adfmedia.org/case/kluge-v-brownsburg-community-school-corporation/>); *Ricard v. USD 475 Geary Cty. Sch. Bd.* (<https://adfmedia.org/case/ricard-v-usd-475-geary-county-schools-school-board-members/>).

² Subsequently, a federal court ordered the defendant to pay \$4.52 million in attorneys’ fees.



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 such private information.

When contacting the parent/guardian of a transgender or gender nonconforming student, Intermediate Unit personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student or parent/guardian has specified otherwise.

...

When communicating with parents/guardians of transgender or gender nonconforming students, Intermediate Unit employees will refrain from the use of gender pronouns and refer to the student by name whenever practicable.

The Intermediate Unit does not condone the intentional and/or persistent refusal to respect a student's consistently asserted gender identity, or inappropriate release of information regarding a student's transgender or gender nonconforming status. Such conduct shall be a violation of this Board policy.

Based on the policy, the District requires that:

- a) Staff must affirm a student's gender dysphoria by always utilizing a student's preferred name and pronouns, based exclusively on a student's, not their parents', request;
- b) Staff cannot inform parents that their child has requested a different name and pronouns at school and must affirmatively hide that information if the parents are not already aware of that information; and
- c) Any District staff member who does not comply with the policy and practice will face disciplinary action.

In short, staff are affirmatively directed to hide information about a student's gender identity from that student's parents, and staff are compelled to speak messages, in violation of the First and Fourteenth Amendments.

II. ANALYSIS

The District's policy and practice violate the Constitution in several areas, but the following are of most immediate concern to our client:

Use of Pronouns

As it pertains to pronouns, the requirement that staff always use the pronouns preferred by the students violates the state and federal constitutions in at least two ways. First, the Policy violates the free speech rights and religious freedom of any staff member who objects on religious or other grounds to being compelled to use a name or pronoun that does not correspond with a child's sex. Second, it interferes with the parental rights of any parent who



gives specific instructions about the use of pronouns for their child because it requires CCIU staff to ignore that instruction.

Violations of speech and religious freedom rights are present not only when a child requests standard pronouns that correspond to a different sex, but to a whole spectrum of asserted nonstandard pronouns such as “zie/zim,” “tey/ter,” “fae/faer,” among many others. Using a pronoun when referring to a student expresses a message about that student’s sex. Our client understands that this policy is mandatory and that the District will take disciplinary measures against staff members who do not comply. A staff member may object to expressing that message for a variety of religious or other reasons. Yet, the District compels staff to use whichever pronouns students might prefer, in violation of those staff members’ Free Speech and Free Exercise rights. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943); *Merivether v. Hartop*, 992 F.3d 492, 506-07 (6th Cir. 2021).

Moreover, and in addition to constitutional violations associated with mandatory use of preferred pronouns, it is equally clear that a school cannot interfere with parental rights by rejecting a parent’s clearly articulated direction to use a child’s given name and pronouns that correspond to the child’s sex. The parents’ directions may be related to medical and/or religious considerations. Yet in these circumstances, the District requires staff to use the pronouns “preferred” by the student, unlawfully interfering with the parents’ free exercise rights and their fundamental right to make decisions concerning the upbringing and care of their child. *Mirabelli*, 604 U.S. ___, *Troxel v. Granville*, 530 U.S. 57, 66 (2000) (noting that parental control of children “is perhaps the oldest of the fundamental liberty interests recognized by this Court”); *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972); *Gruenke v. Seip*, 225 F.3d 290, 307 (3d Cir. 2000).

Restricting communication with parents

District policy and practice also violate the law by requiring staff to hide information, and even lie to parents, about their child’s requested pronoun if the parent does not already know about their child’s request.

For example, if a student begins using a different name and different pronouns at school, and requests that his or her parents not be informed about the situation, policy and practice requires staff to comply with the student’s request at school, while using the child’s legal name and pronouns with their parent, thus affirmatively concealing the fact that the child is using a different name and pronouns in the school environment. Staff members who must then answer direct questions from the parents on gender issues would necessarily have to be deceptive to comply with this policy and practice.

There could be important medical or other ongoing concerns relating to a child’s well-being that would be missed in a context where staff members are prevented from being candid with the parents. Adopting a different gender identity during childhood is a major and controversial



decision. Multiple studies have found that the vast majority of children (80–90%) who experience feelings of discomfort with their sex, including gender dysphoria, ultimately “desist,” finding comfort with their sex; that is, unless they take affirmative steps to live inconsistently with their sex. Because messages from others help to form a child’s identity, many psychiatric professionals believe that taking these “transitioning” steps can become self-reinforcing, setting children down a path with lifelong consequences.

The District policy and practices take this life-altering decision out of parents’ hands—and knowledge—and places it with educators, who have no expertise whatsoever in these matters, and with minors, who lack the “maturity, experience, and capacity for judgment required for making life’s difficult decisions,” *Parham v. J.R.*, 442 U.S. 584, 602 (1979). Consequently, through this practice, the District unlawfully interferes with the parents’ fundamental rights to make decisions concerning the upbringing and care of their child.

On June 27, 2025, the Supreme Court again affirmed that parental rights do not end as the school day begins, holding that Maryland parents had the right to opt their elementary-school-aged children out of instruction that includes LGBT themes. See *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025). Writing for the majority, Justice Alito explained that a school that uses sexually-themed books, and withholds notice to parents and forbids opt outs, “substantially interferes with the religious development of their children and imposes the kind of burden on religious exercise that” the Supreme Court found unacceptable more than 50 years ago, in *Yoder*. *Mahmoud* at 2353. On March 2, 2026 (just two months ago) the High Court yet again affirmed parental rights, this time in the face of California law requiring that schools facilitate secret gender transition plans, which purported to hide from parents that their child was struggling with the fact that they were born male or female. See *Mirabelli v. Bonta*, No. 25A810, 607 U.S. ----, (Mar. 2, 2026).

[Secret school gender transition] policies will likely not survive the strict scrutiny that *Mahmoud* demands. The State argues that its policies advance a compelling interest in student safety and privacy. **But those policies cut out the primary protectors of children's best interests: their parents.** See *Troxel v. Granville*, 530 U.S. 57, 68–69... (2000) (plurality opinion).

Mirabelli v. Bonta, No. 25A810, 2026 WL 575049, at *2–3 (emphasis added).

As the court in *Troxel* found that not even fit *grandparents* had the right to interact with their own grandchildren against the permission of the child’s parents, the District cannot arrogate to itself the right to rename and re-sex students, and to hide their activity from the parents.



III. DEMAND

We respectfully request that you immediately rescind policy 103.2 as provisions contained therein violate the Constitution. Second, we request that you inform teachers in writing that any previous written and oral instruction to keep gender identification confidential from the minor's parents/guardians is to be disregarded. Please confirm in writing by May 21, 2026, following your board meeting on May 20th, that the policy has been rescinded and that staff have been notified.

Please immediately place a litigation hold on all e-mail accounts, document collections, social media accounts, and all other sources of information or communications (including electronically stored information) that reference in any way the District's policy and practice concerning gender issues.

Sincerely,

Jeremy L. Samek

Jeremy Samek, Senior Counsel

Cc: Randall Wenger, Chief Counsel
Independence Law Center

Tyson Langhofer, Senior Counsel, Center for Free Speech
Alliance Defending Freedom

Cc. Janice Heagy
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