

No. 03-22-00420-CV & No. 03-22-00587-CV

IN THE COURT OF APPEALS FOR THE THIRD
DISTRICT OF TEXAS AT AUSTIN

RECEIVED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS

JAMIE MASTERS, in her official capacity as Commissioner of the
Department of Family and Protective Services; and the
TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

Appellants,

v.

PFLAG, INC.; MIRABEL VOE, individually and as parent and next friend
of ANTONIO VOE, a minor; WANDA ROE, individual and as parent and next
friend of TOMMY ROE, a minor; ADAM BRIGGLE and AMBER BRIGGLE,
individually and as parents and next friends of M.B., a minor,

Appellees.

On Appeal from the 201st Judicial District, Travis County, Texas

BRIEF for *AMICI CURIAE*

TEXAS AMERICAN FEDERATION OF TEACHERS,
ASSOCIATION OF TEXAS PROFESSIONAL EDUCATORS,
TEXAS CLASSROOM TEACHERS ASSOCIATION,
TEXAS COUNSELING ASSOCIATION, and TEACHERS,
as *AMICI CURIAE* IN SUPPORT OF APPELLEES

Martin J. Siegel
LAW OFFICES OF MARTIN J. SIEGEL, P.C.
2222 Dunstan
Houston, Texas 77005
Telephone: (281) 772-4568

Counsel for Amici

TABLE OF CONTENTS

TABLE OF CONTENTS	i
INDEX OF AUTHORITIES.....	ii
INTRODUCTION.....	1
INTEREST OF <i>AMICI CURIAE</i>	3
ARGUMENT	5
I. The Reporting Mandate: Treating Gender-Affirming Care as Child Abuse Will Force Educators to Report Students and Their Parents to the State	5
II. Existing Confusion Surrounding the Duty to Report Child Abuse Will be Magnified by Compelled Reporting of Gender-Affirming Care.....	10
III. Reclassifying Gender-Affirming Care as Child Abuse Would Subject <i>Amici</i> to Conflicting State and Federal Mandates, Exposing them to Potential Liability	17
IV. Requiring Educators to Report Their Students Will Reduce Student-Teacher Trust, Impair Learning, Distort In-School Medical and Behavioral Care, and Corrode Relations Among Staff	21
CONCLUSION	27
CERTIFICATE OF SERVICE.....	28
CERTIFICATE OF COMPLIANCE	29

INDEX OF AUTHORITIES

	page
Cases:	
<i>Bd. of Educ. of Indep. School Dist. No. 92 of Pottawatomie Cty. v. Earls</i> , 536 U.S. 822 (2002).....	16
<i>Brandt v. Rutledge</i> , 551 F. Supp. 3d 882 (E.D. Ark. 2021).....	20
<i>Eknes-Tucker v. Marshall</i> , 603 F. Supp. 3d. 1131 (M.D. Ala. 2022).....	20
<i>Doe v. Rains County Indep. School Dist.</i> , 66 F.3d 1402 (5 th Cir. 1995).....	12
<i>Franklin v. Gwinnett County Public Schools</i> , 503 U.S. 60 (1992).....	19
<i>Goss v. Lopez</i> , 419 U.S. 565 (1975).....	24
<i>Green v. United States</i> , 356 U.S. 165 (1958), <i>overruled on other grounds</i> , <i>Bloom v. Illinois</i> , 391 U.S. 194 (1968).....	11
<i>Kobza v. Kutac</i> , 109 S.W.3d 89 (Tex. App. – Austin 2003, rev. denied).....	21
<i>Perry v. S.N.</i> , 973 S.W.2d 301 (Tex. 1998).....	11, 12, 14, 17
<i>S.C.S. v. Tex. Dept. of Family and Protective Serv.</i> , 2010 WL 2889664 (Tex. App. – Ft. Worth, July 22, 2010).....	6
<i>Williams v. Kincaid</i> , 45 F.4 th 759 (4 th Cir. 2022), <i>pet. filed</i>	18

<i>Ysleta Indep. School Dist. v. Griego</i> , 170 S.W.3d 792 (Tex. App. – El Paso, 2005, rev. denied).....	9
---	---

Statutes and Regulations:

20 U.S.C. § 1232g.....	19
29 U.S.C. § 794.....	18
42 U.S.C. § 1983.....	19
42 U.S.C. § 12132.....	18
45 C.F.R. part 84.....	18
Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of <i>Bostock v.</i> <i>Clayton County</i> , 86 Fed. Reg. 32637 (June 22, 2021) (to be codified at 34 CFR ch. 1).....	18
TEX. EDUC. CODE § 33.005.....	25
TEX. EDUC. CODE § 33.006.....	25
TEX. FAM. CODE § 261.101.....	<i>passim</i>
TEX. FAM. CODE § 261.103.....	5
TEX. FAM. CODE § 261.105.....	8
TEX. FAM. CODE § 261.106.....	10
TEX. FAM. CODE § 261.107.....	10
TEX. FAM. CODE § 261.109.....	9
TEX. FAM. CODE § 261.110.....	10

TEX. HEALTH & SAFETY CODE § 611.002..... 26

TEX. PENAL CODE § 12.21..... 9

19 TEX. ADMIN. CODE § 61.10501 6, 7, 9

TEX. R. APP. P. 11 5

Other Authorities:

American Counseling Association, *2014 ACA Code of Ethics*,
Preamble, A.4, <http://www.counseling.org/resources/aca-code-of-ethics.pdf>..... 27

ANA Ethics Advisory Board, *ANA Position Statement: Nursing Advocacy for LGBTQ+ Populations*,
ONLINE J. ISSUES IN NURSING, v. 24, No. 1, November 19, 2018,
<http://ojin.nursingworld.org/MainMenuCategories/ANAMarketplace/ANAPeriodicals/OJIN/TableofContents/Vol-24-2019/No1-Jan-2019/ANA-Position-Statement-Advocacy-for-LGBTQ.html>..... 26

Education Trust and MDRC, *Strategies to Solve Unfinished Learning*, March 2021, <https://edtrust.org/wp-content/uploads/2014/09/The-Importance-of-Strong-Relationships-as-a-Strategy-to-Solve-Unfinished-Learning-March-2021.pdf>..... 22

Timothy Hilton in Larry Ferlazzo, *Classroom Q&A With Larry Ferlazzo, Response: ‘Building Relationships with Students is the Most Important Thing a Teacher Can Do*,
Education Week Opinion Blog, Oct. 8, 2018,
<https://www.edweek.org/teaching-learning/opinion-response-building-relationships-with-students-is-the-most-important-thing-a-teacher-can-do/2018/10> 22

Maureen C. Kenney, *Child Abuse Reporting: Teachers’ Perceived Deterrents*, 25 CHILD ABUSE AND NEGLECT 81 (2001) 13

Jon Konen, *6 Questions to Tackle in Creating an Environment of Respect and Rapport*, TEACHER.ORG, Oct. 24, 2017, <https://www.teacher.org/blog/creating-environment-respect-rapport/> 26

Kathryn Kruse, *Education Personnel as Reporters of Suspected Child Maltreatment*, 5 CHILDREN & SCHOOLS 147 (July 2013) 13

April Mabry & Karen Dooley, *Reporting Requirements for Child Abuse Allegations*, Texas Association of School Boards, May 02, 2019, <http://www.tasb.org/services/hr-services/hrx/hr-laws/reporting-requirements-for-child-abuse-allegations.aspx> 9

James L. Madara, American Medical Association, Letter to Bill McBride, April 26, 2021,1, *available at* <https://searchf.ama-assn.org/letter/documentDownload?uri=%2Funstructured%2Fbinary%2Fletter%2FLETTERS%2F2021-4-26-Bill-McBride-opposing-anti-trans-bills-Final.pdf> 23

National Education Association, *Legal Guidance on Transgender Students' Rights*, June 2016, 10-30, https://www.nea.org/sites/default/files/2020-07/2018_Legal%20Guidance_Transgender%20Student%20Rights.pdf 20, 23

Texas Association of School Boards, *Legal Issues Related to Transgender Students*, TASB SCHOOL LAW ESOURCE, Jan 2023, https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/legal_issues_related_to_transgender_students.pdf 20

Tex. Att’y Gen. Op. No. GA-0106, 2003 WL 22433836 (2003)..... 12

Texas Department of Family and Protective Services, *Reporting Suspected Abuse or Neglect of a Child in Texas: Reporting Basics*, http://www.dfps.state.tx.us/Training/Reporting/documents/Reporting_Basics.pdf..... 6, 7, 8

Texas Education Agency, *A Texas School Employee’s Guide to Reporting Suspected Abuse & Neglect*, <https://tea.texas.gov/sites/default/files/Educators-Guide-2020-English.pdf> 6, 8, 15

Texas Education Agency, *Child Abuse Prevention, An Overview*, <https://tea.texas.gov/texas-schools/health-safety-discipline/child-abuse-prevention/child-abuse-prevention-an-overview> 1

Texas Education Agency, “Texas Educators,” <https://tea.texas.gov/texas-educators#:~:text=Texas%20public%20schools%20employ%20more,and%20other%20professional%20support%20members>..... 1

U.S. Department of Education, “Protecting Student Privacy, File a Complaint,” <https://studentprivacy.ed.gov/file-a-complaint> 19

U.S. Department of Health & Human Services, Office of Civil Rights, *HHS Notice and Guidance on Gender Affirming Care, Civil Rights, and Patient Privacy*, March 2, 2022, <https://www.hhs.gov/sites/default/files/hhs-ocr-notice-and-guidance-gender-affirming-care.pdf> 18, 19

U.S. Department of Health & Human Services & U.S. Department of Education, *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records*, Dec. 2019 Update, https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf..... 19

U.S. Department of Justice, Civil Rights Division, *Letter to State Attorneys General*, March 31, 2022, <https://www.justice.gov/opa/press-release/file/1489066/download> 18, 19

World Professional Association for Transgender Health
Standards of Care 8, E. Coleman, et al., *Standards of Care
for the Health of Transgender and Gender Diverse People, Version
8*, 23 INT’L J. OF TRANSGENDER HEALTH S1, S43 (2022), [http://
www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644](http://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644)..... 13, 14

INTRODUCTION

If child abuse is redefined to encompass gender-affirming care, teachers, school counselors, nurses, and other educators will be forced to report their own students and their parents as victims and perpetrators – on pain of criminal prosecution and job loss. This though the “abuse” in question is fully supported by established science and the medical community.¹ *Amici* are five statewide professional associations of public educators, Texas’s largest teachers’ union, and individual teachers. They respectfully urge this Court not to put over 400,000 Texas educators in that unwanted position.²

It isn’t surprising educators want to be heard in this case; they are the most frequent professional reporters of child abuse in Texas.³ Accordingly, three basic propositions compel *Amici* to submit this brief supporting affirmance.

First, educators fear that the vague standard governing when they must report abuse – a provision criticized by the Texas Supreme Court as hazy and “ill-

¹ See, e.g., Brief of *Amici Curiae* Am. Acad. of Pediatrics, *et al.*, Tex. Sup. Court, No. 22-0229, April 1, 2022. By “gender-affirming care” *Amici* refer to specific interventions sometimes prescribed for gender dysphoria – puberty blockers and hormone therapy – not surgery, which is not performed on minors. See *id.* at 13-17.

² “Texas public schools employ more than 320,000 teachers, plus more than 80,000 additional professional staff members, such as principals, central office administrators and other professional support members.” “Texas Educators,” Texas Education Agency, <https://tea.texas.gov/texas-educators#:~:text=Texas%20public%20schools%20employ%20more,and%20other%20professional%20support%20members>, last visited April 11, 2023.

³ Texas Education Agency, *Child Abuse Prevention, An Overview*, <https://tea.texas.gov/texas-schools/health-safety-discipline/child-abuse-prevention/child-abuse-prevention-an-overview>.

defined” – will cause confusion and misreporting when applied to students who may be receiving gender-affirming care. Educators are neither experts in nor trained about gender dysphoria, and they should not be forced into hazarding criminal conviction and loss of their livelihoods by guessing when reporting is required in these unique and highly specialized circumstances.

Second, if gender-affirming care becomes reportable child abuse, educators will confront conflicting state and federal legal mandates. The federal government asserts that penalizing transgender minors violates several civil rights laws. While *Amici* take no position on whether this is legally correct, educators should not have to choose which sovereign to obey or face the prospect of costly federal lawsuits.

Finally, conscripting educators into policing gender-affirming care will compromise the trust they work so hard to foster with their students and each other. Educators uniformly believe that teacher-student relationships are essential to learning. School counselors aim to encourage the honest and confidential communication essential to student support and effective education. Making these public servants report students whom they suspect may be receiving gender-affirming care will corrode that trust for everyone – transgender and other students alike. It will also disrupt collegiality among educators.

Amici respectfully submit that avoiding these harmful and unwelcome effects on educators, students, families, and their common goal of learning is a powerful reason to affirm the judgment below.

INTERESTS OF *AMICI CURIAE*

Texas American Federation of Teachers is Texas's largest teachers' union, with 66,000 members across the state. Members include teachers, teacher aides, coaches, bus drivers, and cafeteria workers. Texas AFT champions public education by pressing for adequate funding and resources for schools, supporting teachers and other employees, and promoting educators' ongoing professional development. It believes teachers are able to do their best to educate students when they enjoy open communication with them and their parents.

The Association of Texas Professional Educators was founded in 1980 by Texas educators seeking an alternative to national labor unions. With 90,000 members, it is the largest active educators' association of any kind in Texas, and one of the largest independent educator organizations in the United States. ATPE exists to serve the needs of Texas teachers, paraprofessionals, administrators, and all public education employees, and fights for Texas's schools on the local, state, and national levels.

The Texas Classroom Teachers Association is a statewide, non-profit professional association composed of professional educators in public schools, including classroom teachers, nurses, counselors, and paraprofessionals. TCTA

members are certified educators who devote significant time to classroom teaching or allied work with students – making them front-line professionals directly responsible for educating Texas schoolchildren.

The Texas Counseling Association represents almost 7,000 licensed and/or certified professional counselors working in an array of settings – including elementary, middle, and high schools across Texas. TCA is the premiere resource for professional counselors and works to provide accessible, inclusive, ethical, and effective services to strengthen the mental health and well-being of students and others across Texas.

Jenna Rosen teaches in Houston and has taught for fifteen years. Amy Taylor teaches in Denton and has taught for eleven years. Mark Johnson teaches in Houston and has taught for nineteen years. Jaclyn Brown teaches in Dickinson and has taught for six years. Matthew Coffey teaches in McAllen and has taught for fifteen years. John Fuller teaches in Houston and has taught for three years. Gregory Goedecke teaches in Spring and has taught for three years. Richard Gomez teaches in Dallas and has taught for two years. Kade Lasseigne teaches in Richmond and has taught for seven years. Emily Reader teaches in Missouri City and has taught for six years. James Smith teaches in Spring and has taught for thirteen years. Kaleigh Sutula teaches in Deer Park and has taught for seven years. Tommy Trinh teaches in Sugar Land and has taught for seven years.

Amici are vitally interested in this appeal because it presents questions essential to how educators practice their professions on a daily basis. As this brief explains, educators fear having to navigate confusing and conflicting legal mandates in an area far outside their expertise – likely to the detriment of their students and their families. To avoid that result, they support affirmance.⁴

ARGUMENT

I. **The Reporting Mandate: Treating Gender-Affirming Care as Child Abuse Will Force Educators to Report Students and Their Parents to the State**

Texas law requires teachers, nurses, school counselors, administrators, and other educators to report suspicions that a student has been or may be the victim of child abuse to Appellant Department of Family and Protective Services (“DFPS”). Consequently, if child abuse is arbitrarily redefined to include gender-affirming care, educators will be forced to report students whom they suspect may be receiving such medical interventions, their parents, their doctors, and others with knowledge to DFPS – or face criminal prosecution and firing.

The Texas Family Code requires “a professional [who] has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected” to report the abuse to DFPS. TEX. FAM. CODE §§ 261.101(b), 261.103(c)(3). Texas authorities equate “reasonable cause” to believe abuse has occurred or may

⁴ No fee was paid or promised in association with preparing this brief. TEX. R. APP. P. 11.

occur with “suspicion” of past or future mistreatment.⁵ The term “professionals” expressly includes teachers, nurses, and state-licensed professionals and, by regulation, extends to “every school employee, agent, or contractor.” TEX. FAM. CODE §§ 261.101(b); 19 TEX. ADMIN. CODE § 61.10501(b)(1).

Reports must be made within 48 hours of when “the professional first has reasonable cause to believe that the child has been or may be abused or neglected.” TEX. FAM. CODE §§ 261.101(b). To report to DFPS, an educator may either call the agency or, in “non-urgent situations,” use an online reporting system.⁶ Because gender-affirming care has only now unilaterally been labeled child abuse, educators have no way of knowing whether they must report by phone or online. Educators may not delegate their duty to report abuse to others, such as supervisors or administrators, but must complete the report themselves. *Id.*, § 261.101(b).

⁵ See, e.g., 19 TEX. ADMIN. CODE § 61.10501(b)(1) (48-hour period preceding reporting deadline begins to run after educator learns of “facts giving rise to *the suspicion*” of abuse (emphasis added)); Texas Education Agency, *A Texas School Employee’s Guide to Reporting Suspected Abuse & Neglect*, 1, <https://tea.texas.gov/sites/default/files/Educators-Guide-2020-English.pdf> (“If you see something or *suspect abuse*, report it” (emphasis added)); Texas Department of Family and Protective Services, *Reporting Suspected Abuse or Neglect of a Child in Texas: Reporting Basics*, 1, http://www.dfps.state.tx.us/Training/Reporting/documents/Reporting_Basics.pdf (person who “suspects child abuse” but fails to report may be sanctioned). Courts also describe the duty as triggered by suspicion only. See, e.g., *S.C.S. v. Tex. Dept. of Fam. and Protective Serv.*, 2010 WL 2889664 at * 2 (Tex. App. – Ft. Worth, July 22, 2010) (“the family code merely requires that *suspected, not confirmed*, child abuse be reported” (emphasis added)).

⁶ See *Reporting Suspected Abuse* at 2.

DFPS exhorts reporting educators to be thorough and expansive: “it is crucial that you provide as many details as possible about the alleged abuse or neglect, as well as the family demographics, so that the Intake Specialist can make an accurate assessment of the situation.”⁷ The agency seeks information on a variety of people, including household members, “alleged perpetrators” (in this case parents and their children’s doctors), and “collaterals” – defined as others with “information about the situation... other school employees, neighbors, other relatives, medical staff, etc.”⁸ For each of these, DFPS seeks (i) identification (name, date of birth, social security number, race/ethnicity, and marital status); (ii) location (home address and directions to home, work address, phone numbers, and school); and (iii) any person’s special needs and how such needs “affect their normal functioning.”⁹

Educators reporting abuse are then “guided through a series of questions,” including the following and many others:

- What led you to suspect abuse or neglect?
- Did you witness something?
- If someone said something to you, who was it (the child or someone else)?
- What did the person say?
- Are you aware of anyone else who might have been told?

⁷ *Id.* at 2.

⁸ *Id.*

⁹ *Id.*

- What is the role of the parent/guardian?
- Do the parents or guardians seem protective?
- Are there factors at work that put additional stress on the family, such as drug or alcohol abuse, domestic violence, gang activity, recent marital problems or job loss?
- How is the family likely to react when we contact them?
- Does the child have medical needs (regular or acute) that are not being met?
- Have these needs been determined by a doctor or other professional?
- What medications should the child be taking and for what conditions are the medicines prescribed?
- What are the short and long term consequences of not receiving care?¹⁰

Educators should give “detailed and descriptive information” in response to these and other queries.¹¹ Altogether, “it’s not an easy process,” *Amicus* Jenna Rosen, a longtime high school teacher in Houston I.S.D., notes. “Calling takes forever. From all of the agents I’ve worked with, they are incredibly overloaded.”

Yet as burdensome as reporting abuse to DFPS can be, it’s often just the beginning. The requirement that DFPS report abuse to local law enforcement means that educators will then have to cooperate with police and prosecutors as the investigation moves forward.¹² This typically begins with a visit to school, where

¹⁰ *Id.* at 4-5.

¹¹ *Texas School Employee’s Guide* at 2.

¹² TEX. FAM. CODE § 261.105(b); 19 TEX. ADMIN. CODE § 61.10501(b)(7) (school district policy “must provide for cooperation with law enforcement child abuse investigations”); *Texas School Employee’s Guide* at 3 (“All reports made to the Texas Abuse Hotline or website are also sent to the appropriate law enforcement agency for possible prosecution”).

DFPS investigators or law enforcement officers meet with the educator who called in the abuse and then confront the student involved before locating and informing the student's parents. As a result, educators' duties as mandatory reporters often continue far beyond the initial report to DFPS, and can include service as a witness at trial.

An educator's failure to make a required report of child abuse is a criminal offense: either a class A misdemeanor penalized by up to a year in jail and/or a fine up to \$4,000, or a felony subject to greater sanction if prosecutors prove that the educator intended to conceal the abuse. TEX. FAM. CODE §§ 261.109(a)-(1), (c), TEX. PENAL CODE § 12.21. Educators are also likely to lose their jobs and could face sanction from the State Board for Educator Certification if they are found to have violated the mandatory reporting duty, which is codified in school policies and individual educators' contracts as well as the Family Code.¹³ To further encourage disclosure, educators and others enjoy immunity from civil or criminal

¹³ See, e.g., *Ysleta Indep. School Dist. v. Griego*, 170 S.W.3d 792 (Tex. App. – El Paso, 2005, pet. denied) (suit brought by teacher fired for failing to report); April Mabry & Karen Dooley, *Reporting Requirements for Child Abuse Allegations*, Texas Association of School Boards, May 02, 2019, <https://www.tasb.org/services/hr-services/hrx/hr-laws/reporting-requirements-for-child-abuse-allegations.aspx>.

liability, and may not be subject to retaliation from employers, for even erroneous reports made in good faith. TEX. FAM. CODE § 261.106(a), 261.110.¹⁴

In sum, reversing the order below could compel educators, on pain of criminal prosecution and termination, to undertake time-consuming, intrusive, and detailed reporting of any student they suspect of receiving gender-affirming care, along with parents, doctors, and “collaterals,” followed by potentially extended work with investigators and prosecutors.

II. Existing Confusion Surrounding the Duty to Report Child Abuse Will be Magnified by Compelled Reporting of Gender-Affirming Care

Educators’ duty to report child abuse under the Family Code is already a source of constant uncertainty, thanks to statutory vagueness and minimal training. Compelling educators to report gender-affirming care will make this problem worse and almost certainly produce unintentionally inaccurate reporting, with damaging consequences for all concerned.

The Texas Supreme Court has recognized the vagueness of the reporting abuse requirement for the general public, a provision closely analogous to the subsection governing educators. The general rule requires reporting whenever any person has “reasonable cause to believe that a child’s physical or mental health or

¹⁴ Educators only forfeit this immunity if they submit reports in bad faith or with malicious purpose, while knowingly submitting a false report with intent to deceive is a crime. TEX. FAM. CODE §§ 261.106(c), 261.107(a).

welfare has been adversely affected by abuse or neglect.” TEX. FAM. CODE §§ 261.101(b); *see Perry v. S.N.*, 973 S.W.2d 301 (Tex. 1998). In *Perry*, the Court declined to base negligence *per se* liability on this provision, which it called “ill-defined,” in part because of its ambiguity:

Under these facts, there is no question [Defendants] had cause to believe abuse was occurring, and thus that the statute required them to make a report. In many other cases, however, a person may become aware of a possible case of child abuse only through second-hand reports or ambiguous physical symptoms, and it is unclear whether these circumstances are “cause to believe” that such conduct “may be” taking place. A statute that conditions the requirement to report on these difficult judgment calls does not clearly define what conduct is required in many conceivable situations.

Id. at 307-09 (citations omitted).

As *Perry* recognized, the elastic “cause to believe” and “may be abused” language of § 261.101(a) – also present in subsection (b) governing educators – inevitably leaves many having to guess about what to report. And while the legislature has since amended these subsections to add the word “reasonable” before the phrase “cause to believe,” that change hardly adds clarity. *See, e.g., Green v. United States*, 356 U.S. 165, 197 (1958) (Black, J., dissenting) (referring to whether something is “reasonable” as “that irrepressible, vague, and delusive standard”), *overruled on other grounds, Bloom v. Illinois*, 391 U.S. 194 (1968). *Amicus* Amy Taylor, a veteran public school teacher in Denton, notes the “different levels of knowledge” school employees inevitably bring to the question

of what might constitute abuse and when to report, and calls trying to apply the reporting standard “a mushy ‘you decide what constitutes abuse’” exercise.

Amicus Rosen considers the standard as “very loosey-goosey.”

One common question that causes confusion is whether an educator must call in a report upon first acquiring information that might suggest abuse, or investigate further. Yet in a 2003 opinion, Texas’s attorney general was unable to say whether further factual investigation might be required, noting only that the statute is silent on the question and that, after the fact, courts might indeed insist on such delving having occurred. *See* Tex. Att’y Gen. Op. No. GA-0106, 2003 WL 22433836 at * 4 (2003). In other situations, educators’ preexisting relationships with students may complicate deciding whether to report. *See, e.g., Doe v. Rains County Indep. School Dist.*, 66 F.3d 1402, 1405 n. 2 (5th Cir. 1995) (teacher initially failed to report coach’s sexual abuse of student to honor promise of confidentiality and because she believed student was in no danger; report only occurred after teacher “and other school teachers and officials had various conversations” over a week).

True, school personnel complete annual training in child abuse reporting, but the online refresher class is a “click-your-way-through thing, nothing substantial,” Rosen explains, so that deciding what and when to report “really just goes on hunches.” In general, “[r]esearch finds that educational personnel are not

consistently knowledgeable about, nor comfortable with reporting procedures.... Despite their role as mandated reporters, the training for educational personnel is often lacking in quality and substance, if provided at all.”¹⁵

This background uncertainty about what § 261.101(b) requires will only mushroom if educators are compelled to report suspected recipients of gender-affirming care. The signs of traditional, universally recognized child abuse are frequently open and obvious. Taylor describes them as either “physical injuries” or “direct reports [of abuse] of some kind” from students. Rosen recalls witnessing “a special needs student who came to school with strangulation marks around her neck;” she recognized the bruising as likely proof of abuse and promptly reported the situation to DFPS.

By contrast, the physical effects of gender-affirming care are impossible to differentiate from most high schoolers’ biological development through adolescence. A child’s body will, without exception, change and grow during maturation. And while all students experience bodily changes, their rate, timing, and degree will vary greatly from person to person. *See, e.g.*, World Professional Association for Transgender Health Standards of Care 8, E. Coleman, et al.,

¹⁵ Kathryn Krase, *Education Personnel as Reporters of Suspected Child Maltreatment*, 35 CHILDREN & SCHOOLS 147, 148 (July 2013); *see also* Maureen C. Kenney, *Child Abuse Reporting: Teachers’ Perceived Deterrents*, 25 CHILD ABUSE AND NEGLECT 81, 83 (2001) (“Several studies report that teachers do not receive adequate training on child abuse during their college education or in-service training programs”).

Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, 23 INT’L J. OF TRANSGENDER HEALTH S1, S43 (2022), available at <https://www.tandfonline.com/doi/pdf/10.1080/26895269.2022.2100644>

(“Adolescence is a developmental period characterized by relatively rapid physical and psychological maturation.... Multiple developmental processes occur simultaneously, including pubertal-signaled changes. Cognitive, emotional, and social systems mature, and physical changes associated with puberty progress. These processes do not all begin and end at the same time for a given individual, nor do they occur at the same age for all persons”).

How, then, should a teacher, counselor or school nurse differentiate between the changes that flow from the student’s natural biological development and those caused by gender-affirming care? For example, is the student taking “puberty blockers” or are they a late bloomer? Is the student growing facial hair due to a genetic predisposition or as a side effect of pharmaceutical treatment? *See, e.g., id.* at S119 (describing possible physical effects of masculinizing hormone treatment, including facial hair growth). In cases where students are not open about transitioning, gender-affirming care poses a textbook case of the hazards of educators reporting supposed “abuse” on the basis of “ambiguous physical symptoms.” *Perry*, 973 S.W.3d at 307.

Given the absence of clear evidence that students are receiving gender-affirming care, some educators may understandably fall back on reporting any student suspected as transgender, with attendant trauma to the student and their family. Students who act or dress differently, or who confide in educators by expressing certain views on gender nonconformity or disclosing details of their personal lives, may be subject to reporting as educators feel they have little choice but to err on the side of caution. After all, Texas law not only criminalizes failure to report – it deliberately encourages reporting in borderline situations by granting immunity to erroneous reporters acting in good faith. As one state resource for educators succinctly advises: “If you see something or suspect abuse, report it.”¹⁶ Signs as innocuous as a student’s “changes in behavior” – hardly unusual in teenagers of all stripes, let alone among those who face especially intense bullying and ostracism – are identified as possible markers of abuse.¹⁷

To date, *Amici* confirm, there has been little or no training on reporting gender-affirming care as abuse; nor has there been any indication such training is planned or that appropriate training materials exist. That leaves educators given no information about gender dysphoria or its treatment to puzzle through when reporting is required – at pain of legal and professional sanction. “A lot of teachers

¹⁶ *Texas School Employee’s Guide* at 1.

¹⁷ *Id.* at 4.

aren't educated about this," Taylor said. "They might assume that anyone who is not using the pronouns on their attendance sheet [is] getting gender-affirming care." Rosen echoes this concern: "Teachers could very easily make the wrong call. I have a gay student who wears foundation, pearl necklaces, and earrings, and he's not trans – he's just gay. I could very easily see another teacher calling that in to CPS." "Even teachers who want to do the right thing won't know what the right thing is," Taylor adds. "The government is telling them one thing, and perhaps their gut is telling them something else. It puts us in a very difficult situation."

What the Supreme Court noted in the context of drug testing in schools is equally applicable here. In *Bd. of Educ. of Indep. School Dist. No. 92 of Pottawatomie Cty. v. Earls*, the Court rejected the argument that, under the Fourth Amendment, only students specifically suspected of drug use could be tested, as opposed to *all* students:

Moreover, we question whether testing based on individualized suspicion in fact would be less intrusive. Such a regime would place an additional burden on public school teachers who are already tasked with the difficult job of maintaining order and discipline. A program of individualized suspicion might unfairly target members of unpopular groups.

536 U.S. 822, 837 (2002).

Here too, a system that compels educators to report students whom they suspect may be receiving gender-affirming care burdens busy professionals with tasks outside their competency and risks singling out students who simply appear

or behave differently as well as their parents and innumerable “collaterals.” Even mistaken reports submitted in good faith will have serious, harmful consequences for the students and families named and then investigated.

The standard for when to report suspected child abuse is already vague and “ill-defined,” as the Texas Supreme Court commented. Yet the failure to observe it is dire: potential prosecution and termination. Accepting DFPS’s position in this case will only heighten educators’ burden and confusion in an area where they have little knowledge, training, or expertise.

III. Reclassifying Gender-Affirming Care as Child Abuse Would Subject *Amici* to Conflicting State and Federal Mandates, Exposing them to Potential Liability

Compounding the uncertainty already surrounding § 261.101(b) and its application to gender-affirming care, DFPS’s stance also confronts educators with inconsistent state and federal legal obligations. Whichever sovereign they obey, flouting the other will open them to serious legal penalties and financial losses.

Educators could expose their employers and in some cases themselves to civil liability under federal law if they follow DFPS’s new rule and report students who receive gender-affirming care. The Office for Civil Rights of the U.S. Department of Health and Human Services and the U.S. Department of Justice have both issued guidance confirming the federal government’s intention to enforce federal civil rights laws prohibiting discrimination in programs or activities

that receive federal financial assistance.¹⁸ These laws include provisions barring discrimination on the basis of disability as well as gender identity.

As for disability, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act protect individuals in state and federal programs that receive federal funding. 29 U.S.C. § 794; 42 U.S.C. § 12132; *see also* 45 C.F.R. part 84. Gender dysphoria has been found to be a disability under the ADA, *see Williams v. Kincaid*, 45 F.4th 759, 766-72 (4th Cir. 2022), *cert. pet. filed*, and both that law and the Rehabilitation Act protect Texas students with disabilities from discrimination on that basis in the form of penalizing medically necessary and recognized treatment.¹⁹

The federal government also avers that discrimination based on gender identity may violate Title IX of the Education Amendments Act of 1972.²⁰ United States Department of Education guidance promulgated in 2021 reflects this conclusion.²¹ According to DOJ, limiting or interfering with a student's

¹⁸ *See* U.S. Department of Health & Human Services, Office of Civil Rights, *HHS Notice and Guidance on Gender Affirming Care, Civil Rights, and Patient Privacy*, March 2, 2022, <https://www.hhs.gov/sites/default/files/hhs-ocr-notice-and-guidance-gender-affirming-care.pdf>; U.S. Department of Justice, Civil Rights Division, *Letter to State Attorneys General*, March 31, 2022, <https://www.justice.gov/opa/press-release/file/1489066/download>.

¹⁹ *See Protecting Students with Disabilities*, at 2; *Letter to State Attorneys General*, at 3-4.

²⁰ *See id.*

²¹ Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*, 86 Fed. Reg. 32637 (June 22, 2021) (to be codified at 34 CFR ch. 1)

participation in a federally-funded educational program because the student is receiving gender-affirming care may violate Title IX.²² Schools and individuals in violation of Title IX face the threat of substantial damages and attorney’s fees, as well as the potential loss of federal funding. *See Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992).

Then there is the Family Educational Rights and Privacy Act, or FERPA, 20 U.S.C. § 1232g *et seq.* FERPA requires schools to keep medical records and information – such as those reflecting the fact that students are receiving gender-affirming medical care – confidential.²³ Consequently, DFPS’s position that such care must be reported as child abuse would appear to run afoul of FERPA, opening educators to complaints against them with the U.S. Department of Education.²⁴

Finally, individual students and parents may also be able to sue state actors, including schools and educators, under 42 U.S.C. § 1983 for constitutional

²² *See Letter to State Attorneys General*, at 3.

²³ U.S. Department of Health & Human Services & U.S. Department of Education, *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records*, Dec. 2019 Update, 4, https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf (“For instance, a student’s health records, including immunization records, maintained by an educational agency or institution (such as by an elementary or secondary school nurse) would generally constitute education records subject to FERPA”).

²⁴ *See* U.S. Department of Education, “Protecting Student Privacy, File a Complaint,” <https://studentprivacy.ed.gov/file-a-complaint>.

violations of the Fourteenth Amendment’s Equal Protection Clause and parents’ substantive due process right to direct the upbringing and care of their children. *See, e.g., Eknes-Tucker v. Marshall*, 603 F. Supp. 3d 1131, (M.D. Ala. 2022) (enjoining Alabama law restricting gender-affirming care as violations of Constitution); *Brandt v. Rutledge*, 551 F. Supp. 3d 882 (E.D. Ark. 2021) (same).

To be clear, *Amici* take no position on whether the United States’ or private plaintiffs’ positions on these questions of federal civil rights and constitutional law are correct, though national and state education organizations have at least alerted their members to this risk.²⁵ The point is only that the conflicting state and federal directives put educators in an untenable position. They either fail to report gender-affirming care as child abuse if the temporary injunction is not upheld and risk jail time and firing at the hands of state authorities – or they report it and invite litigation against their employers or themselves from the Department of Justice or individual plaintiffs, followed by substantial defense costs and potential damages, attorney’s fees, and civil penalties. Either way, DFPS’s position threatens educators with inconsistent legal duties and, as a result, considerable personal and professional harm.

²⁵ *See, e.g.,* National Education Association, *Legal Guidance on Transgender Students’ Rights*, June 2016, 10-30, https://www.nea.org/sites/default/files/2020-07/2018_Legal%20Guidance_Transgender%20Student%20Rights.pdf; Texas Association of School Boards, *Legal Issues Related to Transgender Students*, TASB SCHOOL LAW ESOURCE, Jan 2023, https://www.tasb.org/services/legal-services/tasb-school-law-esource/students/documents/legal_issues_related_to_transgender_students.pdf.

IV. Requiring Educators to Report Their Students Will Reduce Student-Teacher Trust, Impair Learning, Distort In-School Medical and Behavioral Care, and Corrode Relations Among Staff

Educators work hard to establish and maintain trust with their students because doing so is a basic element of effective teaching. School counselors try to build trust with students so as to help guide their academic, emotional, and social development. But forcing these public servants to report certain students for receiving medically approved care can only compromise this trust. *Amici* fear that the inevitable result will be diminished learning and less effective physical and behavioral healthcare for the students in danger of being reported – and everyone else. It will also lower the trust and collegiality among educators, who will be put in the unwanted position of reporting one another as “collaterals” or violators of § 261.101(b).

“It is common knowledge,” this Court has observed, “that teachers interact with students on a continual basis to improve the learning environment by establishing rapport with the students. Often those interactions are on a personal level.” *Kobza v. Kutac*, 109 S.W.3d 89, 94 (Tex. App. – Austin 2003, pet. denied). From kindergarten to high school graduation, students spend most of their waking hours at school. School is a place for students to grow intellectually, socially, and personally, and the educators there are the ones who guide and foster that development.

Educators feel this acutely. As a recent report from The Education Trust noted: “Strong relationships with teachers and school staff can dramatically enhance students’ level of motivation and therefore promote learning. Students who have access to more strong relationships are more academically engaged, have stronger social skills, and experience more positive behavior.”²⁶ Says Timothy Hilton, a high school teacher and writer in Los Angeles: “building relationships with students is by far the most important thing a teacher can do. Without a solid foundation and relationships built on trust and respect, no quality teaching will happen.”²⁷ The larger atmosphere within schools also affects this dynamic: “The most important thing schools can do to foster these relationships is to have a culture that explicitly values adults’ nurturing relationships with students and providing teachers and school staff with the time, space, and occasions to interact repeatedly with individual students, especially those that seem less engaged.”²⁸

²⁶ Education Trust and MDRC, *Strategies to Solve Unfinished Learning*, March 2021, 2, <https://edtrust.org/wp-content/uploads/2014/09/The-Importance-of-Strong-Relationships-as-a-Strategy-to-Solve-Unfinished-Learning-March-2021.pdf>.

²⁷ Timothy Hilton in Larry Ferlazzo, *Classroom Q&A With Larry Ferlazzo, Response: ‘Building Relationships with Students is the Most Important Thing a Teacher Can Do*, Education Week Opinion Blog, Oct. 8, 2018, <https://www.edweek.org/teaching-learning/opinion-response-building-relationships-with-students-is-the-most-important-thing-a-teacher-can-do/2018/10>.

²⁸ Education Trust and MDRC, *Strategies*, at 4.

Not surprisingly, transgender students particularly need and benefit from teacher-student relation-building and access to trust-based relationships with their school nurses and counselors, given the bullying and misunderstanding they sometimes encounter at school. As the American Academy of Pediatrics and other *amici* note, transgender students face a greatly elevated risk of suicide and depression – conditions significantly lessened by gender-affirming care.²⁹ Thus, as the National Education Association confirms: “Transgender students often report that personal connections with school personnel who either serve as advocates on their behalf or intervene to stop harassment helped them to feel safer at school, allowing them to miss fewer days and engage more fully in the educational experience.”³⁰

In light of the crucial role of student-educator trust in promoting a positive educational environment, mandatory reporting of students receiving gender-affirming care threatens learning – and not only for the transgender students who will inevitably stop confiding in teachers and school nurses and counselors.

“Relationships are what build classrooms, for trans kids especially,” Taylor

²⁹ See Brief of American Academy of Pediatrics, note 1 *supra*, at 9-10; see also James L. Madara, American Medical Association, Letter to Bill McBride, April 26, 2021, 1, *available at* <https://searchf.ama-assn.org/letter/documentDownload?uri=%2Funstructured%2Fbinary%2Fletter%2FLETTERS%2F2021-4-26-Bill-McBride-opposing-anti-trans-bills-Final.pdf>.

³⁰ National Education Association, *Legal Guidance* at 9.

believes. By impeding communication, DFPS's position "actually makes a less effective teacher, students less trusting, and less able to live their authentic selves." Rosen seconds this: "If you know your teacher's not listening to you, they don't see you as who you are, they don't accept you, I think they tune out. I think it would be very natural to."

In effect, DFPS would make educators adversaries of certain students and their families – a new and unwelcome posture that turns the usual learning dynamic on its head:

There is an ongoing relationship, in which the teacher must occupy many roles – educator, adviser, friend, and, at times, parent-substitute. It is rarely adversary in nature except with respect to the chronically disruptive or insubordinate pupil whom the teacher must be free to discipline without frustrating formalities.... [T]he relationship traditionally is marked by a coincidence of interests.

Goss v. Lopez, 419 U.S. 565, 594 and n. 13 (1975) (Powell, J., dissenting). *Amici* oppose a regime that pits them against some of their most vulnerable students and conveys the message to *all* students that some of their friends and their families must be exposed and reported to the state.

School counselors would face unique problems. Texas law explicitly directs them to deliver a comprehensive school counseling program that includes "a responsive services component to intervene on behalf of any student whose immediate personal concerns or problems put the student's continued educational, career, personal, or social development at risk," and "system support to support the

efforts of teachers, staff, parents, and other members of the community in promoting the educational, career, personal, and social development of students.” TEX. EDUC. CODE § 33.005(a)-(b). By statute, school counselors must also “serve as an impartial, nonreporting resource for interpersonal conflicts and discord” among students, including accusations of bullying. *Id.*, § 33.006(b)(7). The American Counseling Association Code of Ethics directs professional counselors to “safeguard[] the integrity of the counselor-client relationship” and “avoid actions that cause harm.”³¹ *Amicus* Texas Counseling Association believes that the state’s proposed redefinition of child abuse would compel school counselors to deviate from their professional standards, place them in conflict with their statutorily defined duties, and lower crucial trust with students and their families.

Lastly, treating gender-affirming care as reportable child abuse would also disrupt cooperation and collegiality among educators. Given the requirement to report other knowledgeable school employees as “collaterals,” educators will surely wonder whether they have to identify colleagues who taught or know the student in question. That, in turn, may lead authorities to ask: why didn’t these “collaterals” report the student, too? Such other educators may then face the legal and job-related consequences of failing to report the student themselves. Mark

³¹ American Counseling Association, *2014 ACA Code of Ethics*, Preamble, A.4, <https://www.counseling.org/resources/aca-code-of-ethics.pdf>

Johnson, a nineteen-year German-language teacher in Houston ISD, referred to this possibility as “a Stasi-like requirement to inform on our colleagues.” The damage will also trickle down to students, potentially souring the educational environment.

As one school superintendent and former principal and teacher writes:

Students also watch as teachers interact with each other. If there is a sense of kindness and respect among teachers, students know it. Similarly, if students see disrespect between the adults in the school, that disrespect permeates into the classrooms and the student interactions. Exemplary teachers understand this and work at relationships with adults in the school as much as with their students.³²

Enlisting educators in the task of policing DFPS’s new definition of child abuse would endanger the rapport and relationships teachers have devoted their careers to constructing with students and each other. Learning and education would be the biggest losers.

³² Jon Konen, *6 Questions to Tackle in Creating an Environment of Respect and Rapport*, TEACHER.ORG, Oct. 24, 2017, <https://www.teacher.org/blog/creating-environment-respect-rapport/>.

CONCLUSION

Amici respectfully ask the Court to consider the significant harm DFPS's position entails for educators, their students, and the overall learning process when deciding this appeal, and affirm the order below.

April 18, 2023

Respectfully Submitted,

/s/ Martin J. Siegel

Martin J. Siegel

LAW OFFICES OF MARTIN J. SIEGEL, P.C.

2222 Dunstan

Houston, TX 77005

Tel.: (281) 772-4568

martin@siegelfirm.com

Counsel for Amici

CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2023, the foregoing brief was served to the following attorneys of record registered to receive filings in this case through the e-filing system:

Ken Paxton
Brent Webster
Courtney Corbello (Attorney-in-charge)
Jonathan Stone
Christopher Hilton
Grant Dorfman
Shawn Cowles
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711
judd.stone@oag.texas.gov
natalie.thompson@oag.texas.gov
courtney.corbello@oag.texas.gov

Counsel for Appellants

Derek R. McDonald
Maddy R. Dwertman
John Ormiston
Baker Botts L.L.P.
98 San Jacinto Blvd., Ste. 1500
Austin, Texas 78701
derek.mcdonald@bakerbotts.com
maddy.dwertman@bakerbotts.com
john.ormiston@bakerbotts.com

Counsel for Appellees

Paul D. Castillo
Shelly L. Skeen
Nicholas “Guilly” Guillory
Lambda Legal Defense and Education Fund, Inc.
3500 Oak Lawn Ave., Ste. 500
Dallas, Texas 75219
pcastillo@lambdalegal.org
sskeen@lambdalegal.org
nguillory@lambdalegal.org

Brian Klosterboer
Savannah Kumar
American Civil Liberties Union Foundation of Texas
5225 Katy Fwy., Ste. 350
Houston, Texas 77007
T: (713) 942-8146
bklosterboer@aclutx.org
skumar@aclutx.org

Counsel for Appellees

/s/ Martin J. Siegel
Martin J. Siegel

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the word limit of Tex. R. App. P. 9.4(i)(2) because this brief contains 5,989 words, excluding the parts of the brief exempted by Tex. R. App. P. 9.4(i)(1).

/s/ Martin J. Siegel

Martin J. Siegel

Dated: April 18, 2023

Automated Certificate of eService

This automated certificate of service was created by the e filing system. The filer served this document via email generated by the e filing system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Martin Siegel

Bar No. 18342125

martin@siegelfirm.com

Envelope ID: 74782827

Filing Code Description: Brief Not Requesting Oral Argument

Filing Description: Brief Not Requesting Oral Argument

Status as of 4/19/2023 8:14 AM CST

Associated Case Party: PFLAG, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Derek McDonald		derek.mcdonald@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Madeleine Dwertman	24092371	maddy.dwertman@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Michele Clanton-Lockhart		mclanton@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Nicholas Guillory	24122392	nicholasaguillory@gmail.com	4/18/2023 6:07:05 PM	SENT
Brian Klosterboer	24107833	bklosterboer@aclutx.org	4/18/2023 6:07:05 PM	SENT
David Goode	24106014	david.goode@usdoj.gov	4/18/2023 6:07:05 PM	SENT
Nischay Bhan	24105468	Nischay.bhan@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Andre Segura	24107112	asegura@aclutx.org	4/18/2023 6:07:05 PM	SENT
Brandt Roessler	24127923	brandt.roessler@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Karen Loewy		kloewy@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Savannah Kumar		skumar@aclutx.org	4/18/2023 6:07:05 PM	SENT
Carolina Caicedo		ccaicedo@aclu.org	4/18/2023 6:07:05 PM	SENT
Maia Zelkind		mzelkind@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Omar Gonzalez-Pagan		ogonzalez-pagan@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Currey Cook		ccook@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Camilla Taylor		ctaylor@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Maddy Dwertman		maddy.dwertman@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Elizabeth Gill		egill@aclunc.org	4/18/2023 6:07:05 PM	SENT
John Ormiston	24121040	john.ormiston@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Nick Palmieri		nick.palmieri@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Susan Kennedy		susan.kennedy@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Paul Castillo		pcastillo@lambdalegal.org	4/18/2023 6:07:05 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Martin Siegel

Bar No. 18342125

martin@siegelfirm.com

Envelope ID: 74782827

Filing Code Description: Brief Not Requesting Oral Argument

Filing Description: Brief Not Requesting Oral Argument

Status as of 4/19/2023 8:14 AM CST

Associated Case Party: PFLAG, Inc.

Elizabeth Gill		egill@aclunc.org	4/18/2023 6:07:05 PM	SENT
Adriana Piñon		apinon@aclutx.org	4/18/2023 6:07:05 PM	SENT
Chase Strangio		cstrangio@aclu.org	4/18/2023 6:07:05 PM	SENT
James Esseks		jesseks@aclu.org	4/18/2023 6:07:05 PM	SENT
Anjana Samant		asamant@aclu.org	4/18/2023 6:07:05 PM	SENT
Kath Xu		kxu@aclu.org	4/18/2023 6:07:05 PM	ERROR
Guilly Guillory		nguillory@lambdalegal.org	4/18/2023 6:07:05 PM	ERROR

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Kennon L.Wooten		kwooten@scottdoug.com	4/18/2023 6:07:05 PM	SENT
Karlene Dunn Poll	24027297	Karlene@slatelaw.com	4/18/2023 6:07:05 PM	SENT
Johnathan Stone	24071779	Johnathan.Stone@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Meredith Parekh	24075953	mparekh@drtx.org	4/18/2023 6:07:05 PM	SENT
Maddy Dwertman		Maddy.dwertman@bakerbotts.com	4/18/2023 6:07:05 PM	SENT
Shelly Skeen		sskeen@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Omar Gonzalez-Pagan		Ogonzalez-pagan@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
M. curry Cook		ccook@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
Camilla Taylor		ctaylor@lambdalegal.org	4/18/2023 6:07:05 PM	SENT
LASHANDA GREEN		lashanda.green@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Thomas Ray		thomas.ray@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Alan York		ayork@reedsmith.com	4/18/2023 6:07:05 PM	SENT
Omar JAlaniz		oalaniz@reedsmith.com	4/18/2023 6:07:05 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Martin Siegel

Bar No. 18342125

martin@siegelfirm.com

Envelope ID: 74782827

Filing Code Description: Brief Not Requesting Oral Argument

Filing Description: Brief Not Requesting Oral Argument

Status as of 4/19/2023 8:14 AM CST

Case Contacts

Courtney Corbello		courtney.corbello@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Christopher Clay		cclay@aclutx.org	4/18/2023 6:07:05 PM	SENT
Christine Choi		cchoi@aclu.org	4/18/2023 6:07:05 PM	SENT
Jordan Kadjar		jkadjar@scottdoug.com	4/18/2023 6:07:05 PM	SENT
Clohe Kempf		ckempf@aclutx.org	4/18/2023 6:07:05 PM	SENT
Hina Naveed		hnaveed@aclu.org	4/18/2023 6:07:05 PM	SENT
Karen Wright		kwright@reedsmith.com	4/18/2023 6:07:05 PM	SENT
Thomas Ray		thomas.ray@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Nicholas Guillory		nguillory@lambdalegal.org	4/18/2023 6:07:05 PM	ERROR

Associated Case Party: American Professional Society on the Abuse of Children and 19 Professional Child Welfare Organizations

Name	BarNumber	Email	TimestampSubmitted	Status
Greg R.Wehrer		greg.wehrer@squirepb.com	4/18/2023 6:07:05 PM	SENT

Associated Case Party: Transgender Education Network of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
J. Richard Hammett	24001054	jrichard.hammett@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT
J. Richard Hammett	24001054	jrichard.hammett@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT
David Brown		dbrown@transgenderlegal.org	4/18/2023 6:07:05 PM	SENT
M'Alyssa Mecnas		Malysa.Mecnas@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT
David Brown		dbrown@transgenderlegal.org	4/18/2023 6:07:05 PM	SENT
M'Alyssa Mecnas		Malysa.Mecnas@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Martin Siegel

Bar No. 18342125

martin@siegelfirm.com

Envelope ID: 74782827

Filing Code Description: Brief Not Requesting Oral Argument

Filing Description: Brief Not Requesting Oral Argument

Status as of 4/19/2023 8:14 AM CST

Associated Case Party: Transgender Education Network of Texas

Karen Wagner		karen.wagner@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT
Karen Wagner		karen.wagner@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT
David Brown		dbrown@transgenderlegal.org	4/18/2023 6:07:05 PM	SENT
M'Alyssa Mecnas		Malysa.Mecnas@bakermckenzie.com	4/18/2023 6:07:05 PM	SENT

Associated Case Party: Greg Abbott

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan Kercher		ryan.kercher@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Courtney Corbello		courtney.corbello@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Johnathan Stone		johnathan.stone@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
Thomas Ray		thomas.ray@oag.texas.gov	4/18/2023 6:07:05 PM	SENT
LaShanda Green		lashanda.green@oag.texas.gov	4/18/2023 6:07:05 PM	SENT