

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOHN M. KLUGE,

Plaintiff,

v.

BROWNSBURG COMMUNITY
SCHOOL CORPORATION,

Defendant.

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CASE NO. 1:19-cv-2462-JMS-DLP

**BRIEF OF AMICI CURIAE NATIONAL ASSOCIATION OF SOCIAL WORKERS AND
ITS INDIANA CHAPTER; AMERICAN ACADEMY OF PEDIATRICS; INDIANA
CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS; AMERICAN
MEDICAL ASSOCIATION; AND INDIANA YOUTH GROUP, INC. IN SUPPORT OF
DEFENDANT BROWNSBURG COMMUNITY SCHOOL CORPORATION**

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STATEMENT OF INTEREST OF AMICI CURIAE

Amici curiae are the National Association of Social Workers (“NASW”) including its Indiana Chapter, the American Academy of Pediatrics (“AAP”), the Indiana Chapter of the American Academy of Pediatrics (“INAAP”), the American Medical Association (“AMA”), and Indiana Youth Group, Inc. (“YIG”). All five organizations seek to promote the safe and healthy development of lesbian, gay, bisexual, and transgender¹ (“LGBT”) people in schools and communities. As explained in the Motion for Leave to File Brief of Amici Curiae, *amici’s* brief will provide important insight not otherwise discussed by the parties to this case, and thus should be considered. *Monarch Beverage Co. v. Johnson*, 2014 WL 7063019, at *1 (S.D. Ind. Dec. 11, 2014) (citing *Nat’l Org. for Women, Inc. v. Scheidler*, 223 F.3d 615, 617 (7th Cir. 2000)).

1. National Association of Social Workers. Founded in 1955, NASW is a nonprofit organization and the largest association of professional social workers in the United States with 110,000 members in 55 chapters. NASW develops policy statements on issues of importance to the social work profession, promulgates professional policies, conducts research, publishes professional studies and books, provides continuing education, and promotes and administers the NASW Code of Ethics. Consistent with NASW policy statements, NASW, including its Indiana Chapter, supports full human rights and the end to all public and private discrimination on the basis of gender identity and gender expression, whether actual or perceived, and regardless of

¹ “Transgender” is an umbrella term used to describe many identities in which the person’s “gender identity, gender expression, or behavior does not conform to that typically associated with the sex to which they were assigned at birth.” American Psychological Association, *Sexual Orientation and Gender Identity*, at <https://www.apa.org/topics/sexual-orientation>. Sex assigned at birth refers to one’s biological status as either male or female, and is associated primarily with physical attributes such as chromosomes, hormone prevalence, and external and internal anatomy. *Id.* Although the term “transgender” can be further subcategorized and also may not encompass all people who are gender non-conforming, for simplicity, this brief uses the term “transgender” to refer to all people who experience a discordance between their gender identity and their sex assigned at birth.

assigned sex at birth. The NASW National Committee on LGBT Issues develops, reviews, and monitors NASW programs that significantly affect LGBT individuals. The NASW Code of Ethics for professional social workers requires that all people—including those who are transgender—be afforded the same respect and rights regardless of gender identification. NASW supports safe and secure educational environments at all levels of education, in which children, youth, and adults may obtain an education free from discrimination, harassment, violence, and abuse. NASW asserts that discrimination and prejudice directed against any individual on the basis of gender identity or gender expression can be damaging to the social, emotional, psychological, physical, and economic well-being of the affected individual, as well as to society as a whole.²

2. The American Academy of Pediatrics. Founded in 1930, AAP is a national, not-for-profit professional organization dedicated to furthering the interests of child and adolescent health. Since AAP's inception, its membership has grown to 67,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists who are committed to the attainment of optimal physical, mental, and social health and well-being for infants, children, adolescents, and young adults. Over the past 91 years, AAP has become a powerful voice for child and adolescent health through education, research, advocacy, and the provision of expert advice. Research has shown that adolescents who identify as LGBT face significantly higher rates of depression, anxiety, eating disorders, self-harm, and suicide. Such challenges are often more intense for youth who do not conform to social expectations and norms regarding gender. AAP thus strives to support laws and policies that foster an inclusive environment for LGBT youth.

² NASW, *Policy Statement: Transgender and Gender Nonconforming People*, in *Social Work Speaks*, 323, 327 (11th ed. 2018) (hereinafter "NASW Policy").

3. The Indiana Chapter of the American Academy of Pediatrics. INAAP is a statewide 501(c)(3) nonprofit organization incorporated in Indiana focusing on issues related to the health and well-being of all children in the state. With over 900 pediatrician, pediatric specialist, and advance practice nurse members throughout the state, INAAP is committed to attaining optimal physical, mental, and social health for all infants, children, adolescents, and young adults. INAAP strives to support laws and policies that foster an inclusive environment for LGBT youth.

4. American Medical Association. The AMA is the largest professional association of physicians, residents, and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all physicians, residents, and medical students in the United States are represented in the AMA's policy-making process. The AMA was founded in 1847 to promote the art and science of medicine and the betterment of public health, and these remain its core purposes. The AMA is committed to partnering with public and private organizations dedicated to public health and public policy to improve health among LGBT youth and reduce LGBT youth suicide. AMA members practice in every medical specialty and in every state, including Indiana.

4. Indiana Youth Group. IYG is a nonprofit organization whose primary mission is to promote the safety and healthy development of LGBT youth in Indiana schools and communities. Among other things, IYG provides services and programs to support the mental health and wellness of LGBT youth, including services and programs that are offered exclusively to transgender youth. IYG also educates Indiana school officials, parents, and community members about transgender inclusivity and works with Indiana schools to develop school policies requiring school officials to treat students in a manner consistent with the students' gender identity, including

name and pronoun usage policies for transgender students. IYG is also responsible for managing the Indiana GSA Network, an association of over 50 youth-led gender sexuality alliances that seek to create safe spaces for LGBT youth and address anti-LGBT harassment and discrimination. At Brownsburg High School, the student-run GSA is known as the “Equality Alliance” and is a member of the Indiana GSA Network. IYG has worked directly with the Brownsburg Equality Alliance and its student members since 2011.

INTRODUCTION AND SUMMARY OF ARGUMENT

This case presents issues of significance for *amici curiae* regarding the healthy development of transgender students. As part of their missions, *amici* are committed to ensuring that transgender children have access to full educational opportunities, and that their mental and physical wellbeing are protected. Drawing on their experience and expertise in their respective fields, *amici* seek to provide this Court with an empirically grounded view of the exceptional challenges transgender youth face, and the importance of policies that affirm transgender youth’s gender identity, including to be called by the names and pronouns that are consistent with their gender identity.

Over the past several decades, significant academic and medical research has confirmed that transgender youth face severe discrimination in the school environment. In 2020, 40% of transgender students reported that they had been physically threatened or harmed due to their gender identity.³ Further, studies have found that transgender students are 1.66 times more likely to be bullied at school than their cisgender peers and 4.15 times more likely to be threatened or

³ The Trevor Project, National Survey on LGBTQ Youth Mental Health 2020, (Mar. 8, 2021, 5:40 PM), <https://www.thetrevorproject.org/survey-2020/>. (hereinafter “The Trevor Project 2020 National Survey”).

injured by a weapon at school than their cisgender peers.⁴ This pervasive discrimination has corrosive effects on transgender young people’s mental and physical health and their ability to succeed academically. For example, research shows that transgender youth are far more likely than their non-transgender peers to experience depression, eating disorders, and self-harm—including attempted suicide.⁵ According to a recent survey of over 40,000 LGBT young people conducted by the Trevor Project—a nonprofit organization focused on suicide prevention efforts among LGBT youth—over 60% of transgender youth reported engaging in self-harm and over 20% had in fact attempted suicide in the preceding twelve months of their lives.⁶ Those staggering rates reflect a public health crisis that requires immediate attention.

Fortunately, research shows that school environments that support the educational and social needs of transgender students can dramatically reduce these risks. Schools such as Brownsburg High School must prioritize policies that foster an inclusive environment for transgender youth, including policies that ensure that transgender students are called by the names and pronouns that accurately reflect their gender identities. These policies can help alleviate the long-term effects of trauma experienced by such students. As confirmed by a landmark 2018 study, transgender youth who are able to use names and pronouns consistent with their gender identities experience positive mental health outcomes, including 71% fewer symptoms of severe depression, a 34% decrease in reported thoughts of suicide, and a 65% decrease in suicide

⁴ Kasey B. Jackman et al., *Suicidality among Gender Minority Youth: Analysis of 2017 Youth Risk Behavior Survey Data*, 7 tbl.2, Archives of Suicide Research (2019) (hereinafter “Suicidality”).

⁵ The Trevor Project 2020 National Survey, *supra*; Suicidality, *supra*.

⁶ The Trevor Project 2020 National Survey, *supra*.

attempts.⁷ Further, multiple studies have demonstrated that consistent recognition of transgender students' names and pronouns by educators and school administrators models expectations for the school community and discourages bullying behavior from other students.⁸

For these reasons, the scientific literature supports Defendant Brownsburg School Community Corporation's ("BCSC") requirement that school employees refer to students by their names and pronouns listed in the "PowerSchool" database, which provides an avenue for transgender students (and indeed all students) to record names and pronouns that affirm their gender identity. Plaintiff John Kluge, by contrast, sought an accommodation that would have allowed him to refuse to use the name listed in PowerSchool, so as to avoid using transgender students' first names and accurate pronouns.⁹ Mr. Kluge's proposed accommodation would harm transgender students' well-being and lead them to feel stigmatized and singled out for differential treatment. Accordingly, *amici* respectfully request the Court grant BCSC's motion for summary judgment.

ARGUMENT

I. Transgender Youth Face Severe Discrimination and Serious Physical and Mental Health Risks.

The consensus view of medical professionals is that a person's gender identity, which is a person's innate sense of oneself as belonging to a particular gender, is the primary determinant of a person's sex. Everyone has a gender identity. For most people, a person's gender identity aligns

⁷ *Id.*

⁸ Jonathan T. Pryor, *Out in the Classroom: Transgender Student Experiences at a Large Public University*, 56 J. Coll. Student Dev. 440 (2015); NEA, *Schools in Transition: A Guide for Supporting Transgender Youth in K-12 Schools*, at 22 (2015).

⁹ Pl.'s Brief in Support of Mot. for Summ. J. at 6, ECF 114.

with the person's sex assigned at birth. For transgender people, however, the person's gender identity is incongruent with the person's sex assigned at birth. Because transgender people face rampant discrimination and violence, including in school settings, medical and mental health professionals widely recognize that policies affirming each person's gender identity can greatly improve health outcomes.¹⁰

A. More than a Million Americans, Including Over a Hundred Thousand Teenagers, Identify as Transgender.

Gender identity is a person's "deep internal sense of being female, male, a combination of both, somewhere in between, or neither."¹¹ Transgender people have a gender identity that is not fully aligned with their sex assigned at birth.¹² Scientific evidence suggests that gender identity depends closely on biological and genetic factors.¹³ People often begin to express and articulate their gender identity as children, when their school environment plays a vital role in their life and

¹⁰ Jason Rafferty, Am. Acad. of Pediatrics, *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142(4) *Pediatrics* 1, 2 tbl.1, (2018), <https://pediatrics.aappublications.org/content/142/4/e20182162> (hereinafter "AAP Policy").

¹¹ AAP Policy, *supra*, at 2 tbl.1.

¹² Am. Psychological Ass'n, *Guidelines for Psychological Practice with Transgender and Gender Nonconforming People*, 70 *Am. Psychologist* 832, 832 (2015) (hereinafter "APA Guidelines"). Transgender people differ from non-transgender individuals, whose gender identity aligns with their sex assigned at birth. *Id.*; see also NASW Nat'l Comm. on LGBT Issues, *Position Statement: Sexual Orientation Change Efforts (SOCE) and Conversion Therapy with Lesbians, Gay Men, Bisexuals, and Transgender Persons*, May 2015.

¹³ See, e.g., Milton Diamond, *Transsexuality Among Twins: Identity Concordance, Transition, Rearing, and Orientation*, 14 *Int'l J. Transgenderism* 24, 30-31 (2013); Jaimie F. Veale et al., *Biological and Psychosocial Correlates of Adult Gender-Variant Identities: New Findings*, 49 *Personality & Individual Differences* 252 (2010).

development.¹⁴ In the United States, approximately 1.5 million individuals identify as transgender.¹⁵ Of these, 150,000 are teenagers aged 13 to 17.¹⁶

The scientific community's understanding of transgender people and gender identity has become more robust and sophisticated over the past two decades.¹⁷ There is now a consensus that being transgender "implies no impairment in judgment, stability, reliability, or general social or vocational capabilities."¹⁸ Instead, medical and mental health professionals recognize that affirming gender identity can significantly improve the well-being of transgender people.¹⁹ By contrast, transgender people who encounter unsupportive social environments are more likely than the general population to experience health challenges such as depression, anxiety, stress and suicidality.²⁰

B. Transgender Youth Face Severe Discrimination, Which Threatens Their Education and Physical and Mental Well-Being.

Unfortunately, the story of transgender youth is one of rampant harassment, discrimination, and violence. In a 2017 study of over 23,000 students, approximately 78% of transgender students

¹⁴ Am. Psychiatric Ass'n, *Gender Dysphoria*, in *Diagnostic & Statistical Manual*, 451-455 (5th ed. 2013).

¹⁵ Jody L. Herman et al., *Ages of Individuals Who Identify as Transgender*, Williams Institute, Jan. 2017, <https://williamsinstitute.law.ucla.edu/publications/age-trans-individuals-us/>.

¹⁶ *Id.*

¹⁷ APA Guidelines, *supra*, at 835.

¹⁸ Am. Psychiatric Ass'n, *Position Statement on Discrimination Against Transgender and Gender Variant Individuals* (2012).

¹⁹ APA Guidelines, *supra*, at 832.

²⁰ *See* AAP Policy, *supra*.

reported that they were discriminated against at school.²¹ Another study found that transgender students are 1.66 times more likely than their non-transgender peers to be bullied at school, 2.43 times more likely to be electronically bullied, and 4.15 times more likely to be threatened or injured with a weapon.²² Indeed, 40% of transgender youth reported having been physically threatened or harmed due to their gender identity.²³

This widespread discrimination and violence against transgender students can have serious consequences for their ability to succeed in an educational environment. Studies show that transgender students are more likely to miss school, change schools, or prematurely abandon the educational setting altogether. Indeed, one recent study reported that almost half of transgender students had missed or changed schools because of fears for their safety.²⁴ Another study found that 15% of transgender participants prematurely left educational settings because of harassment.²⁵ The experiences of transgender people as adolescents have long-lasting consequences: a 2016 survey of nearly 28,000 transgender adults found that those who had faced discrimination because of their transgender identity while in school were more likely to experience serious psychological distress or to have experienced homelessness later in life.²⁶

²¹ Joseph G. Kosciw et al., *2017 National School Climate Survey*, GLSEN (2018), at 94 (hereinafter “2017 National School Climate Survey”).

²² Suicidality, *supra*, at 7 tbl.2.

²³ The Trevor Project 2020 National Survey, *supra*, at 7.

²⁴ 2017 National School Climate Survey, *supra*, at 97.

²⁵ Jamie M. Grant et al., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, The Nat’l Gay and Lesbian Task Force and the Nat’l Ctr. for Transgender Equal. (2011).

²⁶ Sandy E. James et al., *The Report of the 2015 U.S. Transgender Survey*, Nat’l Ctr. for Transgender Equal. (2016), (continued...)

Due to the challenges of living in a culture in which they are often bullied and marginalized, transgender youth have significantly higher mental and physical health risks than those among the general population. Studies consistently show that transgender students experience significantly higher rates of depression, disordered eating, and self-harm than their non-transgender peers.²⁷ The Trevor Project recently conducted a survey of over 40,000 LGBT youth in the United States, which was the largest survey of LGBT youth mental health ever conducted. Significantly, the results showed that over 60% of transgender youth reported engaging in self-harm in the preceding twelve months and over 75% of transgender youth reported symptoms of generalized anxiety disorder in the preceding two weeks.²⁸

As a result, suicide rates among transgender youth have become a public health crisis. The same survey by the Trevor Project found that more than 50% of transgender youth seriously considered attempting suicide and more than 20% had in fact attempted suicide *in the preceding twelve months of their lives*.²⁹ Another research study likewise determined that transgender youth are 2.71 times more likely to attempt suicide than other young people.³⁰ While these figures are staggering, they are not surprising. As the AAP has observed, “[y]outh who identify as [transgender] often confront stigma and discrimination, which contribute to feelings of rejection

<http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>.

²⁷ Maureen D. Connolly et al., *The Mental Health of Transgender Youth: Advances in Understanding*, 59 J. Adolescent Health 489, 491-93 (2016).

²⁸ The Trevor Project 2020 National Survey, *supra*.

²⁹ *Id.*

³⁰ Suicidality, *supra*, at 11 tbl.4.

and isolation that can adversely affect physical and emotional well-being.”³¹ Similarly, NASW has determined that “discrimination and prejudice directed against any individual on the basis of gender identity or gender expression, can be damaging to the social, emotional, psychological, physical, and economic well-being of the affected individual.”³² The scientific community therefore believes that “[p]olicies and interventions are needed to reduce suicidality among gender minority youth, improve access to mental healthcare, and reduce peer victimization and substance use.”³³

II. School Communities like BCSC Should Adopt Policies That Require Respect for Students’ Names and Pronouns Consistent with Their Gender Identities.

In light of the significant challenges that transgender youth face, school communities such as BCSC must prioritize policies that respect and protect the rights of students, including policies that require respect for the names and pronouns that match a student’s gender identity. Numerous studies have found that the simple act of referring to transgender students respectfully by their names and pronouns consistent with their gender identities can significantly improve mental health outcomes and may reduce the risk of suicide.

A. Using Transgender Students’ Names and Pronouns That Accord with Their Gender Identities Improves Physical and Mental Health Outcomes.

Schools play a major role in children’s lives and can have a significant impact on their development and mental health. The Centers for Disease Control and Prevention has, for example, recognized the importance of “[a] positive school environment . . . characterized by caring and

³¹ AAP Policy, *supra*.

³² NASW Policy, *supra*, at 323, 327.

³³ Suicidality, *supra*, at 1.

supportive interpersonal relationships; opportunities to participate in school activities and decision-making; and shared positive norms, goals, and values.”³⁴ It is therefore critical that schools create a supportive and inclusive environment for transgender students free of discrimination.³⁵

A growing body of scientific research has found that policies ensuring that others address students by their appropriate pronouns correlates closely with far lower rates of discrimination, psychological distress, and attempted suicide. For example, the *Journal of Adolescent Health* published a landmark study in 2018 on the benefits of such policies on transgender youth.³⁶ Transgender youth who are able to use accurate names and pronouns experienced 71% fewer symptoms of severe depression, a 34% decrease in reported thoughts of suicide, and a 65% decrease in suicide attempts.³⁷ On the basis of those findings, the authors recommended that schools adjust regulations and information systems to respect the names and pronouns of students that accord with their gender identities in records, rosters, and means of identification (i.e., ID cards).³⁸ As the authors explained, “policies that promote the social transition process of gender

³⁴ Ctrs. for Disease Control & Prevention, *School Connectedness: Strategies for Increasing Protective Factors Among Youth*, 7 (2009), <https://www.cdc.gov/healthyyouth/protective/pdf/connectedness.pdf>.

³⁵ See Russell B. Toomey et al., *Gender-Nonconforming Lesbian, Gay, Bisexual, and Transgender Youth: School Victimization and Young Adult Psychosocial Adjustment*, 46 *Developmental Psychology* 1580, 1586 (2010) (“Enactment of school policies that specifically prohibit victimization due to LGBT status, gender nonconformity, and other types of bias-related harassment can help reduce negative psychosocial outcomes in LGBT and gender-nonconforming young people.”).

³⁶ See, e.g., Stephen T. Russell et al., *Chosen Name Use Is Linked to Reduced Depressive Symptoms, Suicidal Ideation, and Suicidal Behavior among Transgender Youth*, 63 *J. Adolescent Health* 503, 505 (2018).

³⁷ *Id.*

³⁸ *Id.*

affirmation among transgender youth, such as chosen name use or access to restrooms consistent with gender identity or presentation, will likely enhance safety and reduce physical and mental health disparities for transgender populations.”³⁹ Medical professionals have highlighted the value of the 2018 study, noting that it underscores the importance of using gender-affirming names and pronouns to transgender students’ mental health.⁴⁰

Other research studies likewise found that requiring the use of appropriate names and pronouns correlates with far lower rates of discrimination, psychological distress, and attempted suicide among transgender youth.⁴¹ For example, in a case study of transgender students at a large Midwestern university, a transgender student who was referred to by his name and pronouns that matched his gender identity noted that his teachers’ recognition of him as male discouraged other students from bullying him.⁴² Similarly, a community-based study of 73 transgender, prepubescent children aged 3 to 12 found that transgender children who are “supported in their gender identity have developmentally normative levels of depression and only minimal elevations in anxiety.”⁴³ These studies underscore the mental health consequences of ensuring the use of names and pronouns for transgender youth that are consistent with their gender identities, and the

³⁹ *Id.*

⁴⁰ Stanley R. Vance, *The Importance of Getting the Name Right for Transgender and Other Gender Expansive Youth*, 63 *J. Adolescent Health* 379 (2018).

⁴¹ See Joseph G. Kosciw et al., *2019 National School Climate Survey*, GLSEN (2020), at 82; 2020 National Survey, at 9; Russell, *supra*, at 505.

⁴² Jonathan T. Pryor, *Out in the Classroom: Transgender Student Experiences at a Large Public University*, 56 *J. Coll. Student Dev.* 440 (2015).

⁴³ Kristina R. Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, 137 *Pediatrics* (2016), <https://pubmed.ncbi.nlm.nih.gov/26921285/>; see also APA Guidelines, *supra*, at 846 (higher levels of peer support from other transgender people is associated with better mental health).

necessity for policies that require school employees to support children who are at great risk of discrimination and long-term negative psychosocial outcomes.

B. The Growing Professional Consensus Requires Schools to Respect Students' Names and Pronouns That Accord with Their Gender Identities.

Along with the scientific data, there is growing consensus among education and mental health professionals that schools should adopt policies that allow transgender students to be referred to by gender-affirming names and pronouns.

For example, the National Education Association (“NEA”) has stated that, to prevent and alleviate “the distress that transgender youth often experience, . . . healthcare providers recommend that the child ‘socially transition’ and live consistently with their gender identity,” including by “using names and pronouns in a manner consistent with their identified gender.”⁴⁴ The NEA found that “[c]onsistently using a transgender student’s chosen name and pronouns signals that the speaker is respecting and affirming the transgender student’s gender identity. When the speaker is an educator or administrator, using the student’s chosen name and pronoun also models and sets expectations for the school community.” These simple actions “can have a profound effect on the student’s experience.”⁴⁵

Other national organizations have echoed the NEA’s views. The Council on Social Work Education has encouraged the implementation of “policies and practices that are associated with the use of preferred names and pronouns,” including policies that allow students to change their

⁴⁴ NEA, *Schools in Transition: A Guide for Supporting Transgender Youth in K-12 Schools*, at 22 (2015).

⁴⁵ *Id.*

name in academic institutions' information systems.⁴⁶ The Child and Adolescent Social Work Journal has recognized that “[l]egally changing a child’s name to match his/her/their identity and gender presentation can often make the child more comfortable in school, recreation and medical settings where legal names are documented and often called aloud.”⁴⁷ And guidelines promulgated by the American Psychological Association state that refusing to use the names and pronouns that accord with a transgender person’s gender identity, or otherwise failing to support their gender identity, should be viewed as discrimination.⁴⁸

Amici are among the chorus of educational, medical, and mental health professionals who stress the importance of respecting the names and pronouns of transgender youth. The AAP has found that affirming gender identity of “adolescents with gender dysphoria often reduces the emphasis on gender in their lives, allowing them to attend to other developmental tasks, such as academic success, relationship building, and future-oriented planning.”⁴⁹ Similarly, NASW has concluded that referring to transgender clients by “a name and pronoun that most reflects their sense of self can be enormously empowering.”⁵⁰ NASW thus supports policies that require the “use of respectful address” including “asserted name” and “pronouns” and policies that allow for

⁴⁶ Ashley Austin et al., *Guidelines for Transgender and Gender Nonconforming (TGNC) Affirmative Education: Enhancing the Climate for TGNC Students, Staff and Faculty in Social Work Education*, Council on Soc. Work Educ. 4 (2016).

⁴⁷ Ashley Austin, *Transgender and Gender Diverse Children: Considerations for Affirmative Social Work Practice*, Child and Adolescent Soc. Work J. (Feb. 2018).

⁴⁸ APA Guidelines, *supra*, at 838.

⁴⁹ AAP Policy, *supra*.

⁵⁰ *Transgender Emergence: Understanding Diverse Gender Identities and Expressions - Presented by the NASW Massachusetts Chapter*, Nat’l Ass’n of Soc. Workers (Feb. 2006).

electronic record systems to “capture asserted names,” “pronouns,” and “asserted gender identities.”⁵¹

The empirical data and expert consensus support Defendant BCSC’s requirement that teachers respect students’ names and pronouns as entered in PowerSchool. BCSC’s policy requiring its employees to address each student using the name listed in the school’s “PowerSchool” database provides an avenue for transgender students to be recognized by gender-affirming names and pronouns. Such a policy is supported by the scientific literature, the consensus of medical and mental health professionals, and the recommendations of national organizations such as NASW and AAP. Mr. Kluge, by contrast, sought an accommodation that would allow him to refuse to call transgender students by their first names and gender-affirming pronouns, and instead use only last names.⁵² Such an accommodation would fail to affirm transgender students’ gender identity and lead to poorer physical and mental health outcomes for students. Such an accommodation would deprive transgender students of a secure and supportive educational environment that increases the opportunity for physical and emotional wellbeing and academic success.

CONCLUSION

For the foregoing reasons, amici respectfully request that the Court grant Defendant BCSC’s motion for summary judgment.

⁵¹ NASW Policy, *supra*, at 323, 327.

⁵² Pl.’s Brief in Support of Mot. for Summ. J. at 6, ECF 114.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2021, a copy of the foregoing Brief of *Amici Curiae* was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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