

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HANOVER

EMILY and WILLIAM HULETTE, )  
KELLY MERRILL, ASHLEY HESSION, )  
STEPHANIE FISHER, and, ANN and )  
HARRY ZWECKBRONNER, )

Plaintiffs, )

v. )

HANOVER COUNTY SCHOOL BOARD, )

Defendant. )

Serve: )

Lisa Seward )

School Board Attorney )

Hanover County Public Schools )

200 Berkley Street )

Ashland, VA 2300 )

laseward@hanovercounty.gov )

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CLERK'S OFFICE  
HANOVER CIRCUIT COURT

Civil Action No. *CL21 023942-00*

**VERIFIED COMPLAINT**

1. Plaintiffs, Emily and William Hulette, Kelly Merrill, Ashley Hession, Stephanie Fisher, and Ann and Harry Zweckbronner (collectively "the Plaintiffs"), by counsel, respectfully request this Court review and overturn the November 9, 2021 action of the Defendant, Hanover County School Board ("the Board"), as an abuse of discretion and as arbitrary and capricious under Virginia Code § 22.1-87, and issue a declaratory judgment and award preliminary and permanent injunctive relief against the Board, and in support thereof state as follows:

## NATURE OF THE ACTION

2. In 2020, the Virginia General Assembly enacted critical legislation regarding the treatment of transgender students in Virginia’s public elementary and secondary schools. Codified as Virginia Code § 22.1-23.3, the law sets up a framework for the provision of meaningful, evidence-based best practices for the inclusion of transgender students to ensure they are able to thrive at school. The legislation requires the Virginia Department of Education (“VDOE”) to develop model policies concerning, among other things, “use of school facilities,” and requires each school board in the Commonwealth to “adopt policies that are consistent with but may be more comprehensive than the model policies developed by [VDOE].” Va. Code § 22.1-23.3(A)(8) and (B).

3. On April 2, 2021, VDOE released its Model Policies for the Treatment of Transgender Students in Virginia’s Public Schools (“Model Policies”). The Model Policies instruct local school boards to consult with their school board attorney in the development of policies and regulations regarding the treatment of transgender students and to adopt policies consistent with the Model Policies no later than the 2021-2022 school year.

4. Pertaining to the issue of school facilities, the Model Policies state, “[a]ccess to facilities such as restrooms and locker rooms that correspond to a student’s gender identity shall be available to all students.” While the Model Policies allow for single-user or gender-inclusive facilities or other reasonable alternatives to be made available upon request to any student who seeks privacy, “[a]ny options offered shall be non-stigmatizing and minimize lost instructional time.”<sup>1</sup>

5. When the school year started in Hanover County on September 7, 2021, Hanover County Public Schools did not have a policy in place pertaining to transgender students’ access to school

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<sup>1</sup> Virginia Department of Education, Model Policies for the Treatment of Transgender Students in Virginia’s Public Schools (Apr. 2021), <https://www.doe.virginia.gov/support/gender-diversity/transgender-student-model-policies.docx> [hereinafter “Model Policies”].

facilities such as restrooms. In fact, the Board did not even vote on a proposed policy until November 9, 2021. And at the November 9 board meeting, after months of public comment, debate, and advice from the Hanover County School Board's attorney on this issue, the Board declined to adopt any policy regarding bathroom access for transgender students. Instead, when given the opportunity to align the district's policies with the mandate of the General Assembly, the Board voted against the proposed policy that would have protected the rights of transgender students to use bathrooms consistent with their gender identity.

6. The Board's failure to enact a comprehensive, district-wide policy consistent with the Model Policies not only violates Virginia Code § 22.1-23.3, it is also detrimental to students and administrators. On any given day in Hanover County Public Schools, transgender students are put in an impossible position; many are forced to either use the bathroom that aligns with their birth-assigned sex or are ostracized by using a segregated bathroom not available to other students, such as a nurse's bathroom or faculty bathroom, rather than the bathroom that aligns with their gender identity. Absent a clear policy, transgender students in Hanover County Public Schools are left to rely on the benevolence of teachers and administrators without any guarantee of consistent implementation or enforceability. On a daily basis, administrators and teachers are left without guidance to make decisions that have long-lasting impacts on students' lives and wellbeing.

7. Treating transgender students consistent with their gender identity is crucial for the students' mental health and welfare and has been shown to reduce the amount of harassment they face in school, and in turn improves their academic performance. The lack of a Board-approved policy subjects transgender students to different treatment from all of their classmates, undermining the very objective of the General Assembly's legislation and VDOE's Model Policies, and inflicting lasting consequences on the students' educational experiences.

8. Plaintiffs, all parents of transgender students attending Hanover County Public Schools, petition this Court, pursuant to Virginia Code § 22.1-87, to review and overturn the School Board's November 9, 2021 decision to reject a proposed policy that would have provided needed protections for transgender students, as mandated by the General Assembly. The actions of the Board were both an abuse of discretion and arbitrary and capricious.

9. Plaintiffs also ask this Court to issue a declaratory judgment that Defendant's action on November 9, 2021, denying the proposed policy, violates Virginia Code § 22.1-23.3, and issue preliminary and permanent injunctions requiring the Defendant to adopt policies consistent with § 22.1-23.3 and the Model Policies.

### **PARTIES**

10. Plaintiffs Emily and William Hulette ("The Hulettes") are parents of a transgender girl who attends elementary school in Hanover County Public Schools. The Hulettes are citizens, taxpayers, and longtime residents of Hanover County who currently reside in the Cold Harbor district. Despite multiple requests, their daughter has been denied permission to use the bathroom facility consistent with her gender identity. She is only permitted to access the segregated bathroom located in the nurse's office or the faculty bathroom. Despite multiple attempts by the Hulettes to gain access for their daughter to use the girls' bathroom and to address the lack of a consistent policy in Hanover County Public Schools, the Hulettes remain aggrieved, and therefore bring this action for review of the School Board's November 9, 2021 decision to reject the proposed bathroom policy.

11. Plaintiff Kelly Merrill is the parent of a transgender boy who attends middle school in Hanover County Public Schools. She is a citizen, taxpayer, and 10-year resident of Hanover County, Virginia. She resides in the Ashland district. Mrs. Merrill's 13-year-old transgender son is in the 8<sup>th</sup> grade and has had difficulty accessing the boys' bathroom at school. Despite multiple

emails to the school administration, Hanover County School Board, and a Title IX grievance submitted to the Hanover County Schools' Title IX Coordinator, Mrs. Merrill has yet to receive anything in writing stating that her son is permitted to use the boys' bathroom at school. On September 6, 2021, upon a request by Mrs. Merrill for confirmation that her son could use the boys' bathrooms in addition to the faculty bathrooms, Mrs. Merrill received an email from a guidance counselor at her son's school confirming her son's access to the faculty bathrooms but conceding that the district has not adopted the VDOE's model policy on this issue. The lack of a comprehensive, district-wide policy means that Mrs. Merrill's son's bathroom access is granted or denied on the whim of the principal and school administration. Mrs. Merrill is an aggrieved parent, and therefore brings this action for review of the School Board's November 9, 2021 decision to reject the proposed bathroom policy.

12. Plaintiff Ashley Hession is a citizen, taxpayer, and 14-year resident of Hanover County. She resides in the Chickahominy district. Mrs. Hession is the parent of a 14-year-old transgender boy in the 8<sup>th</sup> grade. Mrs. Hession's son wishes to use the boys' bathroom and locker room at school but has been told by school staff that he may only use the bathroom located in the nurse's office. Despite requests and attempts to use the boys' facilities, Mrs. Hession's son has been ostracized and forced to use the facilities located in the nurse's office. Absent a comprehensive, district-wide policy protecting a transgender student's access to facilities that correspond to the student's gender identity, Mrs. Hession remains aggrieved, and therefore brings this action for review of the School Board's November 9, 2021 decision to reject the proposed bathroom policy.

13. Plaintiff Stephanie Fisher is a citizen, taxpayer, and resident of Hanover County. Mrs. Fisher has lived in Hanover County for over 10 years. She resides in the Beaverdam district. Mrs. Fisher is the parent of a 9-year-old transgender girl in the 4<sup>th</sup> grade. Absent a comprehensive,

district-wide policy protecting transgender students, Mrs. Fisher's daughter faces hurdles accessing the girls' bathrooms. Because there is currently no policy directing teachers and administrators to allow Mrs. Fisher's daughter to use the facilities aligned with her gender identity, Mrs. Fisher's daughter relies entirely on the goodwill of teachers and administrators at her daughter's school to grant access when requested. Any minor change in staff, including substitute teachers or changes in administration, could limit Mrs. Fisher's daughter's access to the girls' bathrooms. Mrs. Fisher is aggrieved by the November 9, 2021 action of the School Board.

14. Plaintiffs Ann and Harry Zweckbronner ("The Zweckbronners") are citizens, taxpayers, and 8-year residents of Hanover County, Virginia. The Zweckbronners reside in the Cold Harbor district, and are the parents of a 14-year-old transgender girl who attends high school in Hanover County Public Schools. The absence of a comprehensive, district-wide policy protecting transgender students further exacerbates the harassment, discrimination, and hurdles accessing bathrooms that the Zweckbronners' daughter faces. Because there is currently no policy directing teachers and administrators to allow transgender students to use the bathroom aligned with a student's gender identity, the Zweckbronners' daughter fears using the girls' bathroom at her school. Rather than subject herself to unnecessary discrimination and bullying, their daughter does not use the bathroom at school at all. Despite complaints to the administration, the Zweckbronners and their daughter have found little protection and support at school. The Zweckbronners remain aggrieved, and therefore bring this action for review of the School Board's November 9, 2021 decision to reject the proposed bathroom policy.

15. Defendant Hanover County School Board is the public body that governs Hanover County Public Schools, Va. Code § 22.1-1 & Va. Const. Art. VIII § 7, and can sue or be sued. Va. Code § 22.1-71.

## JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction pursuant to Va. Code §§ 8.01-184, 8.01-620, 17.1-513 and 22.1-87.

17. Venue is proper in this judicial district pursuant to Va. Code § 8.01-261 because the petition is brought in the Circuit Court of the county in which the School Board sits.

## FACTUAL BACKGROUND

### **Virginia Enacts Law Requiring School Boards to Adopt Policies Protecting Transgender Students**

18. In March 2020, the Virginia General Assembly passed, and Governor Ralph Northam signed, House Bill 145 and Senate Bill 161 into law. Codified as Virginia Code § 22.1-23.3, the purpose of the legislation as described by one of the bill sponsors, Delegate Marcus Simon, is to “ensure the safety and dignity of all students in Virginia, regardless of how they identify or where they live.” Delegate Simon further noted that it was “past time we put in place comprehensive policies to protect Virginia’s transgender students.”<sup>2</sup>

19. The law states, in relevant part, “[t]he Department of Education shall develop and make available to each school board model policies concerning the treatment of transgender students in public elementary and secondary schools that address common issues regarding transgender students in accordance with evidence-based best practices and include information, guidance, procedures, and standards....” Va. Code. § 22.1-23.3(A).

20. Further, the law mandates that “[e]ach school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department of Education pursuant to subsection A.” *Id.* § 22.1-23.3(B).

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<sup>2</sup> Press Release, Office of the Governor, Governor Northam Signs 49 Bills into Law (Mar. 5, 2020), <https://www.governor.virginia.gov/newsroom/all-releases/2020/march/headline-853059-cn.html>.

21. An advisory committee was formed consisting of multiple stakeholders and specialists throughout the Commonwealth to advise VDOE, and on April 2, 2021, VDOE released the “Model Policies for the Treatment of Transgender Students in Public Elementary and Secondary Schools.” *See Model Policies, supra* note 1.

22. The Model Policies instruct local school boards that in order to comply with the law, the boards “shall adopt policies consistent with model policies contained in this document no later than the 2021-2022 school year.” *Id.* at 9.

23. Pertaining to the issue of school facilities, the Model Policies require, “[a]ccess to facilities such as restrooms and locker rooms that correspond to a student’s gender identity shall be available to all students.” The Model Policies further explain that while single-user or gender-inclusive facilities or other reasonable alternatives shall be made available upon request to any student who seeks privacy, “[a]ny options offered shall be non-stigmatizing and minimize lost instructional time.” *Id.* at 19.

24. On April 2, 2021, Virginia’s Superintendent of Public Instruction released “Superintendent’s Memo #085-21,” notifying superintendents of the final version of the Model Policies and providing a link to the VDOE’s “Gender and Diversity webpage.”<sup>3</sup>

25. On July 30, 2021, Virginia’s Superintendent of Public Instruction sent “Superintendent’s Memo #202-21” to all school district superintendents containing additional guidance about the adoption of policies by local school boards. The subject of the memo was “Complying with House

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<sup>3</sup> Memorandum from the Superintendent of Public Instruction to the Division Superintendents, Superintendent’s Memo #085-21, (Apr. 2, 2021) [https://www.doe.virginia.gov/administrators/superintendents\\_memos/2021/085-21.pdf](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/085-21.pdf).



Bill 145 (2020) and Senate Bill 161 (2020) Regarding Model Policies Concerning the Treatment of Transgender students.”<sup>4</sup>

26. In this memo, the Virginia Superintendent of Public Instruction explained that since the Model Policies were finalized, the U.S. Supreme Court upheld the rulings of the U.S. District and Appeals Court in *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020), finding that a school board’s policy requiring students to use bathrooms based on their “biological sex” or birth-assigned sex violated the Equal Protection Clause and constituted discrimination on the basis of sex in violation of Title IX, and that the provisions of Virginia Code § 22.1-23.3 remain in effect. Superintendent’s Memo #202-21, *supra* note 4, at 1.

27. The memo further clarified the requirements of Virginia Code § 22.1-23.3, stating, in part:

The requirement that local school boards adopt policies on the treatment of transgender students consistent with VDOE guidance by the 2021-2022 school year was codified by legislation action. Like all other mandates on local school boards resulting from General Assembly action, local school boards must fulfill this directive in order to be in compliance with state law. **Local school boards that elect not to adopt policies assume all legal responsibility for noncompliance.**

*Id.* at 2. (Emphasis in original).

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<sup>4</sup> Memorandum from the Superintendent of Public Instruction to the Division Superintendents, Superintendent’s Memo #202-21 (Jul. 30, 2021), [https://www.doe.virginia.gov/administrators/superintendents\\_memos/2021/202-21.pdf](https://www.doe.virginia.gov/administrators/superintendents_memos/2021/202-21.pdf) [hereinafter Superintendent’s Memo #202-21].

## **Hanover County School Board Refuses to Adopt Policies Required By State Law**

28. Hanover County School Board did not take any action on the Model Policies prior to the start of the 2021-2022 academic year. Hanover County Public Schools opened for the school year on September 7, 2021.

29. The Board discussed the Model Policies and the requisite revisions of its policies extensively at School Board meetings on September 30, October 12, November 4, and November 9, 2021, including providing multiple opportunities for public comment, debate, and advice from the Board's attorney.

30. At the November 9, 2021 meeting, more than two months after the start of the academic year, the Hanover County School Board considered a proposed policy revision to its existing Policy 7-1.2 entitled "Equal Educational Opportunities" that purported to address, in part, the requirements regarding facility and bathroom access mandated by the Model Policies and Virginia Code § 22.1-23.3.<sup>5</sup>

31. During the School Board's discussion of the proposed policy, the Board's attorney provided background information on the General Assembly's mandate, the VDOE Model Policies, and the decision in *Grimm v. Gloucester County School Board*.<sup>6</sup> The Board's attorney notified the members of the Board of its obligations under state law. In response to a question about the impact of failing to approve the policy, the Board's attorney said, "the Fourth Circuit has made the

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<sup>5</sup> Hanover County Public Schools, Proposed Policy 7-1.2 Equal Educational Opportunities (Nov. 9, 2021), [https://go.boarddocs.com/vsba/hcpsva/Board.nsf/files/C8SQSV6AC24B/\\$file/Policy%207-1.2%20EQUAL%20EDUCATIONAL%20OPPORTUNITIES.pdf](https://go.boarddocs.com/vsba/hcpsva/Board.nsf/files/C8SQSV6AC24B/$file/Policy%207-1.2%20EQUAL%20EDUCATIONAL%20OPPORTUNITIES.pdf).

<sup>6</sup> Action Agenda November 9, 2021 Meeting, Hanover County School Board, [https://go.boarddocs.com/vsba/hcpsva/Board.nsf/files/C8MLME56F67B/\\$file/HCPS\\_November2021\\_I.MP3](https://go.boarddocs.com/vsba/hcpsva/Board.nsf/files/C8MLME56F67B/$file/HCPS_November2021_I.MP3), at 18:58-23:03.

decision that the transgender students should be allowed to use the restroom with which they identify, so that is the law of the Fourth Circuit.”<sup>7</sup>

32. At the close of discussion at the November 9, 2021 meeting, one member of the School Board motioned to approve the revision to Policy 7-1.2 but was met with no second to their motion.<sup>8</sup> After no vote was brought to approve the proposed policy changes, a School Board member made a motion to “disapprove” the proposed revision, and the Board voted four to three in favor of disapproving.<sup>9</sup>

33. To date, the Hanover County School Board has failed to pass any policies concerning access to bathroom facilities for transgender students in its schools.

**Hanover County School Board’s Failure to Act Poses an Imminent Threat to the Health, Safety, and Lives of Transgender Students in the District.**

34. Schools are critical havens for students to find safety, to express themselves, and to grow as human beings. By refusing to adopt policies that are consistent with the VDOE Model Policies, specifically, the policies that allow transgender students to use the bathroom that aligns with their gender identity, Defendant fails to create a learning environment that is safe for everyone in the school district.

35. By refusing to adopt policies that protect transgender students, as required by Virginia law, the School Board threatens transgender students’ entire identity, ostracizes them and deprives them of the basic humanity and belongingness where they have the same opportunities as cisgender students to thrive.

36. The consequences of this are severe. According to a 2019 study of students who identify as LGBTQ in Virginia, 68% of transgender students were unable to use the bathroom aligned with

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<sup>7</sup> *Id.* at 24:01-24:33.

<sup>8</sup> *Id.* at 5:54-6:48.

<sup>9</sup> *Id.* at 8:18-27:44.

their gender.<sup>10</sup> This same study showed that only 5% of the students attended schools that had a policy or official guidelines to support transgender and nonbinary students.<sup>11</sup> The combination of not having comprehensive policies and being denied access to bathrooms that match a student's gender-identity can endanger a student's health and life.

37. The National Institutes of Health (NIH) recently noted that suicide is the second leading cause of death for people in the U.S. aged 15 to 24.<sup>12</sup> These rates become even more horrifying for adolescents and young adults identifying as a sexual minority. Researchers found that "gender minority students had significantly higher rates of depression, suicidal ideation, and suicide attempts relative to cisgender students."<sup>13</sup>

38. According to a study by the Journal on Adolescent Health, 60% of the youth studied who experienced bathroom discrimination reported that they had considered suicide. This study showed that bathroom discrimination "significantly increased the odds of reporting depressive mood. These findings suggest that preventing [transgender and nonbinary] youths from accessing appropriate bathrooms is associated with harmful mental health indicators."<sup>14</sup>

39. By failing to comply with the General Assembly's mandate, Hanover County School Board is failing to truly protect and provide a safe learning environment for *all* students and families in its district.

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<sup>10</sup> GLSEN, *School Climate for LGBTQ Students in Virginia* (2019 State Snapshot) (2019), <https://www.glsen.org/sites/default/files/2021-01/Virginia-Snapshot-2019.pdf>.

<sup>11</sup> *Id.*

<sup>12</sup> Nat'l Inst. of Health, *Differences in Suicide Risk Among Subgroups of Sexual and Gender Minority College Students* (Sept. 8, 2020), <https://www.nimh.nih.gov/news/research-highlights/2020/differences-in-suicide-risk-among-subgroups-of-sexual-and-gender-minority-college-students>.

<sup>13</sup> *Id.*

<sup>14</sup> Price-Feeney, M., Green, A., Dorison, S., C.A. (2020). *Impact of Bathroom Discrimination on Mental Health Among Transgender and Nonbinary Youth*. <https://doi.org/10.1016/j.jadohealth.2020.11.001>.

## COUNT I:

### **Defendant Hanover County School Board's Action on November 9, 2021 Was an Abuse of Discretion and Arbitrary and Capricious Under Virginia Code § 22.1-87.**

40. Plaintiffs reallege all paragraphs set forth above and incorporate them herein by reference.

41. The School Board is charged with the general operation, maintenance, and supervision of public schools in Hanover County. *See* Va. Code §§ 22.1-28; 22.1-79(A)(5). Although certain decisions regarding safety and the welfare of students are within the scope and discretion of local school boards, the Defendant must act consistent with the law and any regulations imposed by the Virginia Department of Education. *See* Va. Code § 22.1-79(A)(1), (5), and (7).

42. In 2020, the Virginia General Assembly enacted legislation, codified as Virginia Code § 22.1-23.3, regarding the treatment of transgender students in Virginia's public elementary and secondary schools. The School Board is obligated to act consistent with the mandates of this law. To do otherwise is an abuse of discretion.

43. Defendant Hanover County School Board acted outside of the scope of its powers as outlined in Virginia Code § 22.1-79(A) when it failed to adopt, and affirmatively "disapproved" Policy 7-1.2 on November 9, 2021. The School Board's action was not sound, reasonable legal decision-making under the scope of its authority and should be reviewed as an abuse of discretion under Virginia Code § 22.1-87.

44. The action of Defendant Hanover County School Board on November 9, 2021 was also arbitrary and capricious under Virginia Code § 22.1-87.

45. School Board actions are "arbitrary and capricious when they are 'willful and unreasonable' and taken 'without consideration or in disregard of facts or law or without determining principle.'" *Hunn v. Loudoun Cty Sch. Bd.*, 98 Va. Cir. 418 (Cir. Ct. 2012) (quoting *School Bd. v. Wescott*, 254 Va. 218, 222, 224 (1997)).

46. Defendant Hanover County School Board was aware of its obligations under state law yet acted unreasonably and without regard for the law when voting to deliberately disapprove Policy 7-1.2 on November 9, 2021.

47. Under Virginia Code § 22.1-87, this Court may overturn the action of a school board if the school board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.

48. Plaintiffs respectfully request that the Court review and overturn the November 9, 2021 action of the Defendant as an abuse of discretion and as arbitrary and capricious under Virginia Code § 22.1-87 and award such other relief to Plaintiffs as are reasonable and just.

#### **COUNT II:**

#### **Defendant Hanover County School Board's Failure to Adopt a Bathroom Access Policy for Transgender Students Consistent with VDOE's Model Policies Violates Virginia Code § 22.1-23.3.**

49. Plaintiffs reallege all paragraphs set forth above and incorporate them herein by reference.

50. Pursuant to Virginia Code §22.1-23.3(B), “[e]ach school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department of Education pursuant to subsection A.”

51. The Model Policies disseminated by VDOE require local school boards to “adopt policies consistent with model policies contained in this document no later than the 2021-2022 school year.” Model Policies, *supra* note 1, at 9.

52. The Model Policies stipulate that “[a]ccess to facilities such as restrooms and locker rooms that correspond to a student’s gender identity shall be available to all students” and “[a]ny options offered shall be non-stigmatizing and minimize lost instructional time.” *Id.* at 19.

53. To date, approximately three months into the 2021-2022 academic year, the Defendant has failed to adopt any policy pertaining to the use of bathrooms by transgender students, let alone a policy consistent with the Model Policies developed by VDOE.

54. On November 9, 2021, the School Board had an opportunity to adopt a proposed revision to Policy 7-1.2 which addressed access to bathrooms aligned with a student's gender identity, in accordance with the requirements of Virginia Code § 22.1-23.3, but the Board affirmatively voted to "disapprove" the policy instead.

55. Defendant's failure to approve a policy consistent with or more comprehensive than the Model Policies violates Virginia Code § 22.1-23.3.

56. An actual controversy exists between Plaintiffs and Defendant in that Plaintiffs assert that Defendant must adopt policies regarding bathroom access in accordance with the requirements of Virginia Code § 22.1-23.3 and the Model Policies while Defendant deliberately voted to disapprove a policy which provided bathroom access consistent with state law and the Model Policies. Plaintiffs' rights can be adjudicated through a declaration by this Court.

57. Plaintiffs respectfully request that the Court grant the declaratory and injunctive relief set forth herein and award such other relief to Plaintiffs as are reasonable and just.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court award the following relief:

A. Enter a Declaratory Judgment that:

1. Defendant Hanover County School Board's failure to adopt a policy concerning transgender students' access to bathrooms, consistent with VDOE's Model Policies, is a violation of Virginia Code §22.1-23.3;

2. Defendant Hanover County School Board's November 9, 2021 vote to "disapprove" proposed revisions to Policy 7-1.2 is a violation of Virginia Code §22.1-23.3; and/or
3. Defendant Hanover County School Board's November 9, 2021 action to "disapprove" proposed revisions to Policy 7-1.2 was an abuse of discretion and was arbitrary and capricious under Virginia Code § 22.1-87.

B. Enter a temporary or preliminary injunction requiring that:

1. Defendant Hanover County School Board adopt a policy permitting transgender students to use the bathroom facilities aligned with their gender identities, in accordance with Virginia Code §22.1-23.3 and VDOE's Model Policies; and/or
2. Defendant Hanover County School Board's vote to "disapprove" the proposed revisions to Policy 7-1.2 be overturned and establishing the proposed revisions to Policy 7-1.2 as the School Board's adopted policy.

C. Enter a permanent injunction requiring that:

1. Defendant Hanover County School Board adopt a policy permitting transgender students to use the bathroom facilities aligned with their gender identities, in accordance with Virginia Code §22.1-23.3 and VDOE's Model Policies; and/or
2. Defendant Hanover County School Board's vote to "disapprove" the proposed revisions to Policy 7-1.2 be overturned and establishing the proposed revisions to Policy 7-1.2 as the School Board's adopted policy.

D. Retain jurisdiction over this matter for the purpose of enforcing this Court's orders;

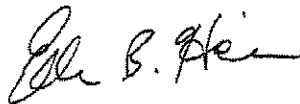
E. Award Plaintiffs the reasonable costs and expenses of this action;

F. Grant other and such further relief as this Court deems equitable and just under the circumstances.



Dated: December 9, 2021

Respectfully submitted,



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Eden B. Heilman (VSB No. 93554)  
Monique Gillum\*  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF VIRGINIA  
701 E. Franklin Street, Suite 1412  
Richmond, Virginia 23219  
Phone: (804) 644-8022  
eheilman@acluva.org  
mgillum@acluva.org

*\*Pro Hac Vice Application Forthcoming*

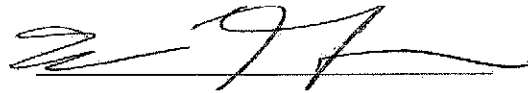
*Counsel for Plaintiffs*

**VERIFICATION**

All of the above statements are true to the best of my knowledge. I understand that a false statement in this Verified Complaint may subject me to penalty of perjury.

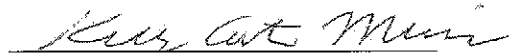


Emily Hulette



William Hulette

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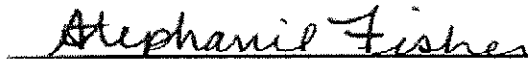
Kelly Merrill

All of the above statements are true to the best of my knowledge. I understand that a false statement in this Verified Complaint may subject me to penalty of perjury.



Ashley Hession

All of the above statements are true to the best of my knowledge. I understand that a false statement in this Verified Complaint may subject me to penalty of perjury.



Stephanie Fisher

All of the above statements are true to the best of my knowledge. I understand that a false statement in this Verified Complaint may subject me to penalty of perjury.

A handwritten signature in cursive script, appearing to read "Ann Zweckbronner", followed by a horizontal line.

Ann Zweckbronner

A handwritten signature in cursive script, appearing to read "Harry Zweckbronner", followed by a horizontal line.

Harry Zweckbronner