



FOUNDATION
AGAINST
INTOLERANCE
& RACISM

March 6, 2023

Pamela Magee, EdD
Executive Director/Principal
Palisades Charter High School
15777 Bowdoin Street
Pacific Palisades, CA 90272

Sent via email

Dear Dr. Magee:

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity. Our website, fairforall.org, can give you a fuller sense of our identity and activities.

We are writing in response to a report submitted to us by a parent of a former Palisades Charter High School (“PCHS”) student through our reporting site, fairtransparency.org. The [report](#) alleges the following:

- A PCHS counselor instructed teachers to use the student’s new, chosen name and pronouns without contacting the student’s parents, while the student was a minor under the age of eighteen;
- When the parents contacted the counselor to ask about the name change, the counselor did not return emails;
- “The 504 Coordinator ... acted without a license by contacting the LA LGBT center on behalf of my son to get information on how my son could get housing, legal, and medical. Thus, pushing my son to separate himself from his family”; and
- “This teacher never contacted us about why he felt it necessary to suggest my son leave his family.”

Upon further inquiry, FAIR has been told that the student in question is believed to have autism, has at times expressed a desire to transition his gender, has moved away from home, and is no longer in contact with his parents. The student’s mother indicated that she found several communications between her child and the PCHS 504 Coordinator. When she contacted him to set up a meeting to discuss her child’s dramatic behavioral changes, the 504 Coordinator responded that it would be three weeks before he was able to meet with her and her spouse. The student’s parents were not available at the meeting time offered by the 504 Coordinator, so they requested an alternative time, but the 504 Coordinator did not respond. Ultimately, that meeting never took place.

We appreciate that PCHS may be seeking to support and protect its transgender students. But if what has been reported to us is accurate, PCHS has violated the constitutional rights of the reporting parents.¹

I. Failure to Disclose Gender Identity

The Supreme Court has consistently held that parents have a fundamental right under the Due Process Clause of the Fourteenth Amendment to direct the upbringing, care, and control of their children. *See, e.g., Troxel v. Granville*, 530 U.S. 57, 65-6 (2000) (“[T]he interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by this Court.”). It is parents, and not the state or its schools, who have the primary role in the care and rearing of children. *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972) (stating that it “is now established beyond debate” that parents have the “primary role” in rearing their children); *see Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925) (“[A] child is not the mere creature of the State.”). Parental authority over their minor children is broad. *Parham v. J.R.*, 442 U.S. 584, 602 (1979). It includes involvement in their children’s medical and personal decisions, as “most children, even in adolescence, simply are not able to make sound judgments concerning many decisions, including their need for medical care or treatment.” *Id.* at 603. Because gender transition profoundly affects a child’s mental, emotional, and physical development, involvement in that process is well within the scope of parents’ due process rights.

“[T]here is a presumption that fit parents act in the best interests of their children.” *Troxel*, 530 U.S. at 68. That presumption originates from the historical recognition that the natural bond between parent and child leads parents to act in the best interests of their children. *Parham*, 442 U.S. at 602. Without ample evidence that a parent is unfit to raise children, the state may not “inject itself into the private realm of the family to further question the ability of that parent to make the best decisions concerning the rearing of that parent’s children.” *Troxel*, 530 U.S. at 68-9.

In this case, it appears PCHS concealed the student’s gender transition from the parents, while the student was a minor under parental care, with no due process. There was no finding of parental unfitness, no notice that the child was in the transition process, and certainly no communication or appeal of PCHS’s decision to conceal. In so doing, PCHS effectively concluded, with no evidence or process, that both of the student’s parents were unfit to handle, address, or support their child in gender transition.

Importantly, assisting a child in gender transition, which is what PCHS did in this case, is not a curricular matter or within a school’s purview. Rather, it is a form of therapeutic and psychosocial treatment that significantly affects a child’s entire well-being, including outside of school and long

¹ The issues of practicing clinical social work without a license and obtaining informed consent are beyond FAIR’s mission. Nevertheless, we note the possible existence of both issues in this case. *See* Cal. Bus. & Prof. Code § 4996(b) (unlawful to engage in clinical social work without a valid license); § 4996.9 (“clinical social work” includes “counseling,” “providing information and referral services,” “providing or arranging for the provision of social services,” and “explaining or interpreting the psychosocial aspects in the situations of individuals, families, or groups”).

after he or she has graduated. Children considering or undergoing transition require ongoing psychological, medical, and other forms of care beyond school hours that only their parents or guardians can provide or authorize. Additionally, emerging research indicates that children who socially transition are extremely likely to seek medical and surgical interventions, many of which result in permanent effects and dependencies. *See Annelou de Vries et al., Young Adult Psychological Outcome After Puberty Suppression and Gender Reassignment (PEDIATRICS vol. 134 issue 4, Oct. 1, 2014); Annelou de Vries et al., Puberty Suppression in Adolescents with Gender Identity Disorder: A Prospective Follow-Up Study (J. SEX. MED. vol. 8 issue 8, Aug. 2011).* Public schools may not knowingly abridge parents' due process right to know of and be involved in a process that has such deep, broad, and lasting effects on their children's lives.

FAIR advocates for a healthy partnership between and among educators, students, and parents. That partnership is not honored when a school conceals from parents matters that are essential to their child's well-being. However well-intentioned, PCHS's practices must conform with constitutional and legal requirements. We urge PCHS to investigate this matter and to implement the measures necessary to ensure that employee actions are consistent with the rights of parents, guardians, and all students.

We would like to give PCHS an opportunity to respond. Please let us know within the next five days if you intend to do so.

Very truly yours,



Leigh Ann O'Neill

Staff Attorney

Foundation Against Intolerance & Racism

cc: Tammie Wilson, Director Student Support Services / Assistant Principal