



Lebo Pride Files Brief Supporting Transgender & Nonbinary Students in Much-Watched PA School Case Centered on LGBTQ-inclusive Curriculum

Advocates, school district parents, and a recent graduate ask court to reject discriminatory parental "opt-out" policy regarding LGBTQ-inclusive curriculum in Mt. Lebanon School District

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Mt. Lebanon, PENNSYLVANIA // February 14, 2024: Lebo Pride has demonstrated its unwavering commitment to fostering an inclusive and welcoming environment for all students, including transgender and nonbinary individuals, by filing an *amicus curiae* brief in the U.S. District Court for the Western District of Pennsylvania in *Tatel et al v. Mt Lebanon School District, et al.*

The brief supports Mt. Lebanon School District's right to implement LGBTQ-inclusive curriculum, policies, and practices that celebrate diversity and promote understanding; asserts the legal obligation of the school district to support all students and specifically transgender students; and outlines the well-documented harms of failing to fulfill that obligation by enacting policies such as the "opt-out" policy sought by plaintiffs.

"We can all agree that kids need to have an environment to be safe and where they can succeed," said **Asta Kill, President of Lebo Pride and transgender parent who has a child in the district.** "Opting out of keeping all kids safe is not an option. We need to look beyond the hateful partisan ideology and selfish interests of a few isolated parents who are so blinded by an irrational fear that they cannot see the actual harm this does to all of our children."

More than 500 anti-trans bills have been introduced in 2023 alone, many of which target children. This dangerous political strategy has intensified despite research that shows transgender students face discrimination, harassment, and life-threatening violence due to anti-trans rhetoric and stigmatization of their gender identity. Mistreatment of transgender students can exacerbate psychological distress, lead to negative educational outcomes, and precipitate self-injurious behavior.

"The effort to restrict access to an LGBTQ-inclusive curriculum defies medical expertise, public opinion, and the law," said **Jackie Perlow, supervising attorney at Women's Law Project and co-counsel for Lebo Pride.** "Not only has the Third Circuit clearly held that school districts have a compelling state interest in supporting the physical and psychological wellbeing of transgender students, but school districts also have a statutory obligation under Title IX to ensure transgender students are not subject to discrimination on the basis of their sex."

Plaintiffs' quest also ignores student pleas for support. As one Mt. Lebanon student explained last year, they typically hear a slur every day at the school and feel they can't safely report it. "I have trouble doing my work. I'm super on-guard in the halls, just looking behind me to see if there's anyone coming," [the student said](#). "I have trouble actually feeling safe and comfortable in school in general."

While Plaintiffs have shifted their attempt to ban all representation of transgender students to installing an “opt out” option, such a policy would still perpetuate the anti-trans stigma that harms young people. As the Third Circuit explained in the context of school bathroom policies in *Doe v. Boyertown Area School District*, school policies that treat transgender students differently invite more scrutiny and attention from peers—and are still discrimination.

“Evidence shows that ‘opt out’ policies reduce both the reach and efficacy of LGBTQ-inclusive curriculum,” **said Dan Vitek, an attorney with the Community Justice Project and co-counsel for Lebo Pride.** “Enabling the opt out policy would undermine the whole purpose. It’s simple. People in charge of caring for children should not make respect and support for them conditional depending on how that child expresses their gender.”

Senior District Judge Joy Flowers Conti will now consider the parties motions for summary judgment and make a determination on the fate of inclusive curriculum in the Mt. Lebanon School District.

The amicus brief and affidavits filed by community members supporting Mt. Lebanon School District can be found [here](#).

To request more information or an interview, contact Tara Murtha at Women’s Law Project at tmurtha@womenslawproject.org.

Lebo Pride is a Mt. Lebanon nonprofit organization whose mission is to advance visibility, education, celebration, and inclusion of queer, gender diverse, and other marginalized groups. Its main Pride event is June 15, 2024 in Mt. Lebanon’s Main Park from 10 am to 4 pm with yoga at 8 am.

Community Justice Project is a non-profit, legal aid law firm that challenges policies and practices that cause hardship to low-income people throughout the Commonwealth.

Women’s Law Project is a public interest legal organization that works to advance and defend the rights of women, girls, and LGBTQ+ people in Pennsylvania and beyond.

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