

**FILED**

**OCT 31 2022**

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By: \_\_\_\_\_, Deputy

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15 STEVEN SCHNEIDER and CARRIE  
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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **FOR THE COUNTY OF VENTURA**

19 STEVEN SCHNEIDER, an individual, and  
20 CARRIE BURGERT, an individual,

21 Plaintiffs,

22 vs.

23 CONEJO VALLEY UNIFIED SCHOOL  
24 DISTRICT, a political subdivision of the  
25 State of California; and DOES 1 through  
26 10, inclusive,

27 Defendants.

Case N 56-2022-00571547-CU-WM-VTA

**VERIFIED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND PETITION FOR WRIT OF  
MANDATE**

*Ry FAX*

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1 Plaintiffs/Petitioners Steven Schneider and Carrie Burgert allege as follows:

2 **PARTIES, JURISDICTION AND VENUE**

3 1. Mr. Schneider is an individual who resides in Ventura County. He has two children, 9  
4 and 13 years old, who attend school within the Conejo Valley Unified School District (the  
5 “District”).

6 2. Ms. Burgert is an individual who resides in Ventura County. She has two children,  
7 also 9 and 13 years old, who attend school within the District.

8 3. The District is a political subdivision of the State of California and is based in  
9 Ventura County. For jurisdictional and venue purposes, the District is deemed a local governmental  
10 agency that may be sued in this County.

11 4. Defendant/Respondent DOES 1 through 10 are individuals who at all relevant times  
12 were officials, agents or employees of CVUSD and who bear some responsibility for the actions  
13 alleged in this Complaint. Their identities are not yet known and thus they are sued fictitiously but  
14 Plaintiffs will amend the Complaint after they discover them.

15 5. Venue exists in this county under sections 394(a) and 395(a) of the Code of Civil  
16 Procedure as the defendant resides here.

17 **FACTUAL ALLEGATIONS**

18 6. In 1995, under the leadership of Governor Pete Wilson, California jettisoned its  
19 abstinence-only sex education program, replacing it with a comprehensive program that drew  
20 support—and input—from educators, medical providers and parents.

21 7. In 2003, the Legislature passed a law called the California Comprehensive Sexual  
22 Health and HIV/AIDS Prevention Education Act (the “2003 Act”). It required that all sexual health  
23 instruction in California schools be age appropriate, objective, medically accurate and free of bias.

24 8. These rules were amended in 2015 (the “2015 Act”). They now require that schools  
25 teach students “about gender, gender expression, gender identity, and explore the harm of negative  
26 gender stereotypes.” Cal. Educ. Code § 51933(d)(6). But the law, even as amended by the 2015 Act,  
27 still requires that this instruction be “age appropriate” and presented in a way that is comprehensive,  
28 “medically accurate and objective.” *Id.* § 51933(a)-(b). And it still focuses on encouraging children

1 to develop healthy sexual habits, reflecting the Legislature’s recognition that delaying sex until  
2 maturity is the only medically certain way to safely develop one’s sexual and reproductive health.

3 9. As importantly, recognizing the constitutional right that parents have to control their  
4 child’s upbringing, California law requires that school districts notify parents at the beginning of  
5 each school year about the health and sexual education instruction, if any, that their child will  
6 receive that year. This notice must, among other things, advise the parents that they have a right to  
7 inspect the material that will be taught to their kids. Parents did not have an opportunity to inspect  
8 the material, nor were parents notified when “Call Me Max” was taught to a classroom of 8-year-old  
9 kids. This exposure to transgenderism ideology happened in the classroom, without parental consent  
10 or notification, and violated the legal requirements for such content.

11 10. This law allows schools to conduct “anonymous, voluntary, and confidential research  
12 and evaluation tools to measure pupils’ health behaviors and risks, including tests, questionnaires,  
13 and surveys containing age-appropriate questions about the pupil’s attitudes concerning or practices  
14 relating to sex” in the seventh through twelfth grades, but, again, the districts are supposed to notify  
15 parents about these surveys before they happen and parents are supposed to have the chance to  
16 review the surveys and opt out of them. For instance, the District deliberately removed the “personal  
17 sexual identity questioning” on the CA Healthy Kids Survey parent notification. The parent  
18 notification did not contain all the topics covered in the survey, thus deceiving parents of such  
19 questioning being performed in class.

20 11. Similarly, the District has been providing students of different ages with a  
21 questionnaire called the “Confidential School Success Plan.” The questionnaire asks students many  
22 invasive questions, including their preferred name and gender, versus their legal name and biological  
23 gender, and their preferred pronouns. It also asks students to identify their parents by name and then  
24 asks them to explain whether their parents know about their preferred name/gender and are  
25 supportive. This highly invasive questionnaire was not sent to parents before the District provided it  
26 to students and, on information and belief, the District has a policy of withholding the completed  
27 questionnaire from parents. A true and correct copy of the questionnaire, which was obtained from  
28 one a website maintained by one school’s LGBTQ Council, is attached as **Exhibit “A.”**

1           12.     Collectively, these rules recognize the State’s interest in providing kids with age-  
2 appropriate and medically accurate instruction while acknowledging that “parents and guardians  
3 have the ultimate responsibility for imparting values regarding human sexuality to their children.”  
4 *Id.* § 51937.

5           13.     Unfortunately, the District has not acted consistently with that principle or followed  
6 the law. For example, in 2021, it formed an advisory committee of teachers and parents to assess a  
7 new curriculum for teaching health/sex education to seventh and ninth graders. The committee  
8 reviewed several programs, including “Teen Talk,” a controversial curriculum that, among other  
9 things, promotes sexual activity by children, promotes high-risk sexual behaviors like anal and oral  
10 sex and promotes trans ideology while encouraging kids to withhold information from their parents.  
11 The curriculum emphasizes the removal of parent involvement in many sections, including with  
12 phrases that say: “Do not need parent permission.” And it teaches medically inaccurate information  
13 about abstinence and gender, suggesting that those are old-fashioned concepts that are not socially  
14 acceptable anymore.

15           14.     The committee rejected “Teen Talk.” On information and belief, the committee made  
16 that recommendation based on concerns about whether “Teen Talk” was appropriate for 12-to 14-  
17 year-olds and whether its materials, especially information about gender identity and gender fluidity,  
18 were medically accurate and free of bias. But, for unknown reasons (likely political), the school  
19 board ignored the committee’s recommendation and adopted the controversial program.

20           15.     The results were predictable, with the “Teen Talk” curriculum leading to a highly  
21 sexualized school environment, combined with a new district dress code allowing children to wear  
22 bra tops to school and gluteals to be seen out of shorts, which lead a student to masturbate in class, in  
23 front of other students, without any repercussions. This oversexualized and age-inappropriate  
24 environment has even trickled down to lower grade levels. For example, after being exposed to  
25 transgender ideology in her classroom, a third-grade girl was pressured by her friends, for weeks, to  
26 “cut her hair and be a boy.”

27           16.     In response to these complaints, District officials have lied and falsely attacked  
28 parents while concealing information about how these sensitive, and in some cases controversial,

1 subjects are being taught. Indeed, the only people who have faced any repercussions are parents like  
2 Plaintiffs who, after learning of this inappropriate behavior, complained and, in some cases, spoke  
3 publicly about it. The District's superintendent retaliated against both Plaintiffs, including by  
4 dismissing the incident that Ms. Burgert's daughter witnessed and falsely suggesting she had lied  
5 about it. The District went after Mr. Schneider even more aggressively, falsely accusing him (and  
6 others) of misconduct after he exposed the transgender discussion in his daughter's third-grade  
7 classroom.

8 17. These actions are unlawful. Schools have an obligation to teach health and sex  
9 education to kids. They do not have the right to teach kids about woke political issues that are, at  
10 best, medically unsettled and certainly not age appropriate. And, regardless of what school boards  
11 *want* to teach, they must respect the fundamental right that parents have to control their kids'  
12 upbringing. Our children may be our future, but it is their parents' right and responsibility to raise  
13 them.

#### 14 **NEED FOR DECLARATORY AND INJUNCTIVE RELIEF**

15 18. An actual controversy has arisen and now exists between the parties about the validity  
16 of the District's health/sex education curriculum, including whether the curriculum, "Teen Talk," is  
17 age appropriate, medically accurate and free of bias and whether the District has followed the  
18 required notice and excusal procedures. Plaintiffs contend that the curriculum and procedures violate  
19 the Education Code. The District contends that they are lawful.

20 19. Plaintiffs also contend that, even if the District's curriculum and procedures are  
21 facially valid, the District acted arbitrarily and capriciously in adopting them. In fact, the District  
22 ignored the recommendation of its own advisory committee, which determined that "Teen Talk" is  
23 not age appropriate, medically accurate and free of bias, and decided to use the program for political  
24 reasons, an abuse of its discretion.

25 20. Despite complaints, the District has refused to modify its health/sex education  
26 curriculum and instead has falsely attacked parents who even questioned it. It will continue to do this  
27 unless a court enjoins it from teaching the non-compliant curriculum.

28 21. Plaintiffs do not have a plain, speedy, and adequate remedy at law, and will suffer

1 irreparable harm if the District is not enjoined. They exhausted any available administrative  
2 remedies.

3 **REQUIREMENTS FOR MANDAMUS RELIEF**

4 22. Plaintiffs are parents who have a legally protected beneficial interest in ensuring that  
5 the District complies with California law so that their children receive the age appropriate, medically  
6 accurate and unbiased health/sex education they are entitled to. They also have a beneficial interest  
7 as concerned citizens in ensuring that California law is properly enforced.

8 23. The District has a clear and present duty to provide health/sex education that  
9 complies with California law. Instead, the District decided—in an arbitrary and irrational manner—  
10 to provide an education that is not age appropriate, medically accurate and free of bias. In so doing,  
11 it violated both its ministerial and discretionary duties.

12 **FIRST CAUSE OF ACTION**

13 **(Declaratory/Injunctive Relief under Cal. Educ. Code § 51933)**

14 24. Plaintiffs incorporates paragraphs 1 through 23 of this Complaint as though set forth  
15 fully herein.

16 25. Section 51933 of the Education Code requires that health/sex education curricula be  
17 age appropriate, medically accurate and free of bias.

18 26. The health/sex education curriculum that the District is currently using, “Teen Talk,”  
19 is not age appropriate, medically accurate or free of bias. To the contrary, “Teen Talk” teaches  
20 impressionable children about mature (and, at that age, unnecessary) topics and does so in a way that  
21 is medically inaccurate and biased.

22 27. The District contends that “Teen Talk” complies with California law.

23 28. Plaintiffs desire a judicial declaration that “Teen Talk” violates California law and  
24 thus cannot be taught to children who attend school in the District.

25 29. A judicial determination of these issues is necessary and appropriate because such a  
26 declaration will clarify the parties’ rights and obligations, permit them to have certainty regarding  
27 those rights and potential liability, and avoid a multiplicity of actions.

28 30. The District’s actions harmed Plaintiffs, as alleged above.

31. Plaintiffs have no adequate remedy at law and therefore seek injunctive relief, as alleged above.

32. This action serves the public interest, justifying an award of attorneys' fees under section 1021.5 of the California Code of Civil Procedure.

**SECOND CAUSE OF ACTION**

**(Declaratory/Injunctive Relief under Cal. Educ. Code § 51938)**

33. Plaintiffs incorporates paragraphs 1 through 23 of this Complaint as though set forth fully herein.

34. California law requires that school districts notify parents at the beginning of each school year about the health and sexual education instruction, if any, that their child will receive that year. This notice must, among other things, advise the parents that they have a right to inspect the material that will be taught to their kids.

35. California law allows schools to conduct "anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex" in the seventh through twelfth grades, but, again, the districts are supposed to notify parents about these surveys before they happen and parents are supposed to have the chance to review the surveys and opt out of them.

36. Plaintiffs contend that the District did not give parents the proper notice and opportunity to excuse their children from being taught the "Teen Talk" curriculum during the 2021-22 or 2022-23 school years. Plaintiffs also contend, on information and belief, that the District has been conducting highly sexualized and age-inappropriate surveys of students without following the parental notification/consent procedures.

37. The District contends that it has followed the law.

38. Plaintiffs desire a judicial declaration that the District violated California law by not giving parents proper notice and opportunity to excuse their children from being taught the "Teen Talk" curriculum during the 2021-22 or 2022-23 school years. Plaintiffs also seek a judicial declaration that the District has been conducting highly sexualized and age-inappropriate surveys of

1 students without following the parental notification/consent procedures.

2 39. A judicial determination of these issues is necessary and appropriate because such a  
3 declaration will clarify the parties' rights and obligations, permit them to have certainty regarding  
4 those rights and potential liability, and avoid a multiplicity of actions.

5 40. The District's actions harmed Plaintiffs, as alleged above.

6 41. Plaintiffs have no adequate remedy at law and therefore seek injunctive relief, as  
7 alleged above.

8 42. This action serves the public interest, justifying an award of attorneys' fees under  
9 section 1021.5 of the California Code of Civil Procedure.

### 10 **THIRD CAUSE OF ACTION**

#### 11 **(Writ of Mandate, Cal. Civ. Proc. Code § 1085)**

12 43. Plaintiffs incorporate paragraphs 1 through 23 of this Complaint as though set forth  
13 fully herein.

14 44. Plaintiffs contend that, by approving "Teen Talk" for use in seventh and ninth grade,  
15 the District violated its ministerial duty to provide a health/sex education curriculum that complies  
16 with California law.

17 45. Plaintiffs also contend that, even if "Teen Talk" is facially valid, the District acted  
18 arbitrarily and capriciously in approving the curriculum for use in seventh and ninth grade  
19 classrooms in this community. In fact, it's not clear that the District engaged in a reasonable  
20 decision-making process when making this important decision, as the committee that it delegated the  
21 review to rejected "Teen Talk." Ignoring such advice is quintessentially arbitrary and capricious and  
22 provides grounds to issue a writ of mandate under section 1085.

23 46. Plaintiffs are therefore entitled to a writ of mandate commanding the District to  
24 comply with California law by replacing its current health/sex education curriculum with a  
25 curriculum that complies with the law.

26 47. Plaintiffs are also entitled to a writ of mandate commanding the District to comply  
27 with California law by providing parents with the proper notice and excusal opportunities related to  
28 the District's health/sex education program.



**FOURTH CAUSE OF ACTION**

**(Declaratory/Injunctive Relief under Article I, section 1 of Cal. Constitution)**

48. Plaintiffs incorporate paragraphs 1 through 23 of this Complaint as thought set forth fully herein.

49. Individuals have a right to privacy under the California Constitution. This state law privacy right, which was added by voters in 1972, is far broader than the right to privacy that exists under the federal Constitution. It is the broadest privacy right in America and is enshrined in the very first part of the California Constitution: Article I, section 1.

50. In *Hill v. National Collegiate Athletic Association*, 7 Cal.4th 1, 39-40 (1994), the California Supreme Court described the elements needed to plead a claim under Article I, section 1 of the California Constitution: “(1) a legally protected privacy interest; (2) a reasonable expectation of privacy in the circumstances; and (3) conduct by defendant constituting a serious invasion of privacy.” *Id.*

51. ***Legally protected privacy interest.*** Plaintiffs contend that they have a legally protected privacy interest in their familial relationships, as well as the way in which they raise their children. They have an interest in not having such matters disclosed to school officials without their knowledge or consent.

52. ***Reasonable expectation of privacy.*** Plaintiffs’ expectation of privacy in these matters is reasonable under the circumstances and, in fact, is required by California law.

53. ***Serious invasion of privacy.*** The District’s development and use of the “Confidential School Success Plan,” including its policy of withholding the questionnaire from parents, constitutes a serious invasion of Plaintiffs’ privacy rights.

54. Plaintiffs desire a judicial declaration that the District’s development and use of the “Confidential School Success Plan,” including its policy of withholding the questionnaire from parents, violates Article I, section 1 of the California Constitution.

55. A judicial determination of these issues is necessary and appropriate because such a declaration will clarify the parties’ rights and obligations, permit them to have certainty regarding those rights and potential liability, and avoid a multiplicity of actions.

56. Plaintiffs have no adequate remedy at law and will suffer irreparable harm if the Court does not enjoin the District from using the "Confidential School Success Plan" in its current manner.

57. This action serves the public interest, justifying an award of attorneys' fees under section 1021.5 of the California Code of Civil Procedure

**PRAYER FOR RELIEF**

Wherefore, Plaintiffs pray for relief as follows:

1. For a judicial declaration that "Teen Talk" violates California law and thus cannot be taught to children who attend school in the District.

2. For a judicial declaration that the District violated California law by not giving parents proper notice and opportunity to excuse their children from being taught the "Teen Talk" curriculum during the 2021-22 or 2022-23 school years.

3. For a judicial declaration that the District has been conducting highly sexualized and age-inappropriate surveys of students without following the parental notification/consent procedures.

4. For preliminary and permanent injunctive relief, as well as mandamus relief, prohibiting the District from teaching the "Teen Talk" curriculum and requiring that the District provide parents with the notice and excusal opportunities required by law.

5. For preliminary and permanent injunctive relief prohibiting the District from using the "Confidential School Success Plan" in its current manner.


6. For costs and attorneys' fees under section 1021.5 of the Code of Civil Procedure.

7. For such other relief that the Court determines is just and proper.

JW HOWARD/ ATTORNEYS, LTD.

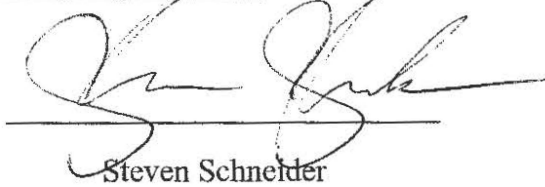
Dated: October 27, 2022

By:

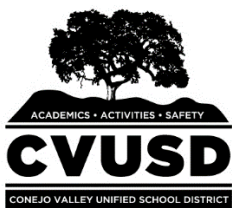
  
John W. Howard  
Scott J. Street  
Attorneys for Plaintiffs/Petitioners

VERIFICATION

I, Steven Schneider, am a plaintiff in the above captioned action. I have reviewed the foregoing Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate. The matters stated therein are true of my own personal knowledge except as to those matters stated on information and belief, which I am informed and believe to be true. Executed this 23rd day of October 2022, at Thousand Oaks California.

  
Steven Schneider

**EXHIBIT "A"**



## Conejo Valley Unified School District Student Support Services Department

### Confidential School Success Plan

In CVUSD, all students are valued. The purpose of this document is to create a shared understanding about how the student's gender will be affirmed and supported at school. This document also acknowledges the importance of confidentiality and privacy and that the student's safety is of primary concern.

#### Name/Personal Pronouns

Student Preferred Name: \_\_\_\_\_

Student Legal Name: \_\_\_\_\_

Is the student's preferred name utilized in the home? Yes\_\_\_\_ No\_\_\_\_

Student Date of Birth: \_\_\_\_\_ Student's Gender: \_\_\_\_\_ Sex Designated at Birth: \_\_\_\_\_

Personal Pronouns: \_\_\_\_\_

Parent/Guardian/Authorized Caregiver Name(s):      Relationship to Student:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Confidentiality/Privacy** – the questions below are intended to help guide the school team in supporting the student and in maintaining confidentiality.

1. Are the student's parents/guardians aware of the student's gender identity? Yes\_\_\_\_ No\_\_\_\_

2. Are the student's parents/guardians supportive of the student's gender identity? Yes\_\_\_\_ No\_\_\_\_

Expand as needed: \_\_\_\_\_

\_\_\_\_\_

3. Are the student's siblings aware of the student's gender identity? Yes\_\_\_\_ No\_\_\_\_

4. Are other members of the household aware of the student's gender identity? Yes\_\_\_\_ No\_\_\_\_

5. Student's preferred name and personal pronouns are to be used:

☐ Mutually and exclusively (home and school)

☐ Only in school settings including awards ceremonies/recognitions, and on all school documents including school ID card and Yearbook publication

☐ Only in school settings except as noted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional Confidentiality/Privacy Considerations: \_\_\_\_\_

\_\_\_\_\_

6. Staff that will be informed, per the student and/or parent's request (check/fill in those that apply):

- a. District (Student Support Services) \_\_\_\_\_
- b. School site administration: all \_\_\_\_\_ or those named here: \_\_\_\_\_  
\_\_\_\_\_
- c. Counselor(s): all \_\_\_\_\_ or those named here: \_\_\_\_\_  
\_\_\_\_\_
- d. Teacher(s): all \_\_\_\_\_ or those named here: \_\_\_\_\_  
\_\_\_\_\_
- e. Other school staff: all \_\_\_\_\_ or those named here: \_\_\_\_\_  
\_\_\_\_\_
- f. Student(s)/Peer(s): all \_\_\_\_\_ or those named here: \_\_\_\_\_  
\_\_\_\_\_

Who will ensure that student's name and gender are communicated as needed in the school setting (staff member)? \_\_\_\_\_

### **Student Support**

1. If the student experiences bullying, discrimination or harassment, these are preferred adults on campus student will seek support from:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. In the event that the student is feeling unsafe, how will they signal the need for help?

- a. During class \_\_\_\_\_
- b. At recess/nutrition/lunch \_\_\_\_\_
- c. Traveling to/from classes \_\_\_\_\_
- d. During extracurricular activities (clubs, athletics, performing arts etc.) \_\_\_\_\_  
\_\_\_\_\_

### **Facilities**

Student will use the following restrooms on campus: \_\_\_\_\_

Student will change clothes in the following locations: \_\_\_\_\_

Student will use the following restrooms when traveling with the class/school (e.g. field trips): \_\_\_\_\_

Student's lodging during overnight class/school field trips will be: \_\_\_\_\_

If the student has questions/concerns about facilities, who will be their primary contact person? \_\_\_\_\_

### **Academic Considerations**

Color Blindness Testing (Kindergarten): \_\_\_\_\_

If parents/guardians opt the student in, the student will join Human Growth and Development videos (grades 4/5/6) as follows: Boys\_\_\_\_ Girls\_\_\_\_ Both\_\_\_\_

Physical Fitness Testing (grades 5/7/9): \_\_\_\_\_

### **Activity/Extracurricular Considerations**

Athletics (teams): \_\_\_\_\_

Athletics (i.e. changing/dressing out for sport participation): \_\_\_\_\_

Band/Choir: \_\_\_\_\_

Plays/Performances: \_\_\_\_\_

Dance: \_\_\_\_\_

Attire/Uniform Considerations for the above:

Additional Activity/Extracurricular Considerations: \_\_\_\_\_

### **Additional Comments or Considerations:**

<b><u>Meeting Date</u></b>	<b><u>Meeting Participants (signatures)</u></b>
_____	_____
_____	_____
_____	_____
_____	_____

Who will periodically check in with the student and/or family?\_\_\_\_\_

Frequency of check-ins?\_\_\_\_\_

A copy of this confidential School Success Plan will be stored in the following secure location on campus:

---

“The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.” (BP 5145.3)

“A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.” (BP/AR 5125)