

Kansas school can't block Christian teacher from outing transgender students to parents, judge rules

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A federal judge is blocking a Kansas public school's policy preventing teachers from outing transgender students to their parents after the teacher raised religious objections.

Fort Riley Middle School math teacher Pamela Ricard sued USD 475 Geary County Schools over LGBTQ anti-discrimination policies that conflicted with her Christian beliefs.

District Judge Holly Teeter issued a preliminary injunction on Monday blocking the school from disciplining Ricard if she reveals preferred names and pronouns of her transgender students when communicating with their parents.

"The Court relies on Plaintiff's statements that she does not intend to communicate with a parent for the sole purpose of disclosing a student's preferred name and pronouns," Teeter wrote.

Ricard has two transgender students in her class, the judge wrote, neither of whom have authorized the district to disclose their preferred names and pronouns to their parents. While Ricard uses their preferred names in class and avoids pronouns, she has emailed parents using a student's legal name and biological pronouns.

"Plaintiff believes that addressing students one way at school and a different way when speaking to their parents is dishonest," the opinion states. "Being dishonest violates her sincere religious beliefs."

Teeter, who was appointed by former President Donald Trump, ordered the injunction to remain in place until May 18 or until Ricard's contractual responsibilities to the district end, whichever comes last. Court records state that Ricard is not returning to work next year at Fort Riley Middle School, which is on a U.S. Army base, after teaching in the district since 2005.

While the order is not permanent and does not apply to other teachers, it could set a precedent as other districts wrestle with similar diversity and inclusion policies.

Federal education authorities say that [Title IX protects transgender students from sex discrimination](#). [Guidance from the National Center for Transgender Equality](#) calls on schools to ensure the right names and pronouns are used while protecting student privacy.

"This litigation is a political stunt funded by a right-wing special interest group and doesn't reflect the views of the vast majority of people in Kansas and across the country who support protections for LGBTQ+ people," Rapp said. "Our leaders should be supporting school policies protecting and supporting transgender students, including policies to prevent educators from outing students."

He told the Capital-Journal that supportive educators "are a lifeline and make all the difference" in the well-being and mental health of LGBTQ children who don't have the same level of support at home.

"Any effort to force teachers to out students to their guardians is a violation of young people's privacy and can place vulnerable young people in harm's way," Rapp said. "When transgender and nonbinary youth feel unsafe at school, they experience negative impacts not only to their health, but to their academic achievement and likelihood of graduating or moving to higher education opportunities."

"Attempts to forcibly out students also jeopardize educators' ability to foster trust and create the kind of safe school environment that allows young people to grow and learn without fear of harassment or discrimination."

Religious beliefs and cover up from parents

Ricard is represented by attorneys with the national Alliance Defending Freedom and Kansas-based Kriegshauser Ney Law Group. In an ADF news release, they said Ricard was "vindicated after being forced to cover up student's social transition from parents."

"Hopefully the district can begin creating policies that focus on educating children without forcing teachers to lie to parents and violating a parent's right to know what is going on with their child," said attorney Joshua Ney.

Ricard filed the lawsuit in March, requesting a trial in Topeka, after a complicated history with school administrators over how to address transgender students.

Ricard was suspended and disciplined after a spring 2021 incident where one student accused her of "being visibly transphobic" as she was "misgendering/deadnaming" a classmate, her complaint states. She had two students that academic year who preferred names and pronouns "inconsistent with their biological sex" and felt discriminated against.

"Ms. Ricard believes that God created human beings as either male or female, that this sex is fixed in each person from the moment of conception, and that it cannot be changed, regardless of an individual person's feelings, desires, or preferences," the lawsuit states. "Any policy that requires Ms. Ricard to refer to a student by a gendered, non-binary, or plural pronoun ... or salutation ... or other gendered language that is different from the student's biological sex actively violates Ms. Ricard's religious beliefs." District sought to protect youths

The district argued the injunction would hinder the school's "obligations to protect young persons entrusted to its care."

District administrators contended that it is not the school's place to "out" a student to their parents, arguing that "if the home life is such that the student doesn't want to be out to their parents, it's not our job to do it." Teeter said that is not a "compelling interest."

However, federal law grants parents the right to access educational records on their children, including any records on preferred names and pronouns — regardless of whether the child wants their parents to have the records.

School administrators "may be concerned that some parents are unsupportive of their child's desire to be referred to by a name other than their legal name," Teeter wrote. But it's not the school's place to "interfere with the parents' exercise of a constitutional right to raise their children as they see fit."

"Whether the District likes it or not, that constitutional right includes the right of a parent to have an opinion and to have a say in what a minor child is called and by what pronouns they are referred," Teeter wrote.

The judge noted that there is no evidence in the record that the transgender students in Ricard's class are at risk of harm from their parents.

The Geary County school board clerk and superintendent's assistant didn't respond to a request for comment by Friday afternoon.

Preferred names and pronouns policy remains in place

Ricard also challenged a policy on using preferred names and pronouns. The judge opted not to block enforcement of that policy at this time after school administrators said Ricard's new practice was not in violation.

The original discipline stemmed from Ricard not using a student's preferred name, opting to call them by their last name. Court records state she is now willing to use preferred first names but not preferred pronouns, considering that to be a form of dishonesty.

Her new practice won't violate school policy as long as she avoids pronouns for all students, school officials told the court.

"Ms. Ricard believes that referring to a child using pronouns inconsistent with the child's biological sex is harmful to the child because it is untrue," the lawsuit states.

That belief extends to both gendered pronouns, such as he/him and she/her, as well as gender-neutral pronouns, such as they/them and zhe/zher.

"Pam has a distinguished teaching career and treats all her students with dignity and respect," ADF attorney Tyson Langhofer said. "We're pleased the court has freed her to exercise her constitutionally protected freedom to teach and communicate honestly with parents while this case moves forward."