

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

DREW ADAMS, a minor, by and through his next friend and mother, ERICA ADAMS KASPER,

No. 3:17-cv-00739-TJC-JBT

Plaintiff,

v.

THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA; TIM FORSON, in his official capacity as Superintendent of Schools for the St. Johns County School District; and LISA KUNZE, in her official capacity as Principal of Allen D. Nease High School,

Defendants.

DECLARATION OF DREW ADAMS

I, Drew Adams, pursuant to 28 U.S.C. §1746, declare as follows:

1. I make this declaration of my own personal knowledge, and, if called as a witness, I could and would testify competently to the matters stated herein.

2. I am 16 years old, and I am a registered student at Allen D. Nease High School, which is part of the St. Johns County School District in St. Augustine, Florida. I will begin my junior year on August 10, 2017. I reside in Ponte Vedra, Florida.

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3. A photo of me taken on June 7, 2017, is below.



4. I am an honor student, and am enrolled in a number of Advanced Placement classes in school. My academic record is extremely important to me. I am on the International Baccalaureate (“IB”) Pre-IB/IB Diploma Program at school, which requires passing additional tests and conducting a service project over the course of 18 months. I hope one day to go to medical school.

5. I am active in a number of extra-curricular, volunteer and community service activities. I am on the Board of Leaders of my school’s Gay Straight Alliance, which works to improve the school climate for lesbian, gay, bisexual, and transgender (“LGBT”) students. I also was selected from more than 700 applicants to serve as one of 18 students on the Gay, Lesbian, and Straight Education Network’s (“GLSEN”) National Student Council for the 2016 to 2017 academic year. GLSEN educates people about LGBT youth and does anti-bullying work. I help raise money each year for the Jacksonville Area Sexual Minority Youth Network (“JASMYN”), which provides programs and services to support local LGBT youth. Starting the summer before high school, I have volunteered each summer at a local

hospital, and I currently volunteer at the Mayo Clinic in Jacksonville. In May of 2017, I received the HandsOn Youth in Action Award from HandsOn Jacksonville, a non-profit that encourages volunteerism in the local community. I play four musical instruments, including the guitar, ukelele, piano, and drums. Like lots of other kids my age, I enjoy playing video games as well.

6. After high school, I hope to attend the University of Florida to study pre-medicine. Ultimately, I would like to attend medical school and become a psychiatrist specializing in adolescents.

A. History of Gender Transition.

7. I am a boy.

8. I am also transgender. At birth, my sex was incorrectly designated “female,” but I am a boy.

9. Even before I was aware that transgender people existed, I knew that my body did not feel like it fit me. I first began to understand why I felt the way I did when I was 14 years old, and saw an episode of The Ellen DeGeneres Show featuring an interview with a transgender man. When I heard him describe what it meant to be transgender, everything clicked for me. I immediately realized, “that sounds like how I feel.”

10. I began researching what it meant to be transgender. I came out to my mother shortly thereafter, but she did not seem surprised when I told her that I identify as a boy.

11. With my parents’ support, I started taking gradual steps toward living as a boy in 2015. I cut my hair short, and began wearing a binder on my chest to minimize the appearance of my breasts.

12. Each step of my transition brought me such a sense of relief and happiness, and I felt like I was finally starting to live the way I was meant to live. This confirmed for me that transitioning was only way I would ever feel fully comfortable in my own skin.

13. I have since been diagnosed with gender dysphoria, and that diagnosis has been confirmed by multiple health providers.

14. I began pursuing medical treatment for gender dysphoria in August 2015, when my mom took me to see a pediatric endocrinologist in our community. That doctor was not experienced with treating transgender people, and referred us to the Duke Child and Adolescent Gender Care clinic (“Duke Clinic”) in North Carolina.

15. I first went to the Duke Clinic in March 2016. My mom and I happened to be in North Carolina on the day House Bill 2 (“H.B. 2”) was enacted into law, banning many transgender people from using restrooms that match their gender identity in government buildings. The feeling of watching the law change overnight to target transgender people was surreal and upsetting, since I could use the boys’ restroom in public buildings the day before, but not the following day.

16. I began taking testosterone in June 2016, which was a hugely important moment for me. I had wanted to take testosterone for some time to help bring my body into alignment with my male gender identity. At the time that I received my first testosterone shot, it felt like the happiest day of my life.

17. The next step in my medical transition was to get “top surgery” (a double mastectomy), so that I could stop wearing a binder, which was very uncomfortable. When I learned I could get surgery at the end of May 2017, rather than having to wait longer, I cried.

I was overcome with joy to know that I could take another important step to make my body feel more like it matches who I am: a boy.

B. School Restrooms.

18. By the time I began my freshman year at Allen D. Nease High School in August of 2015 I was living as my authentic self, meaning as the boy that I am. I knew that relatively few of the kids who knew me before my transition in middle school would be attending my high school, which gave me a chance to have a fresh start to attend school as the boy that I am. When I started school, I wanted to control the information about my gender transition so that I could protect my safety and privacy by not being indiscriminately “outed” as transgender to all the other students while I adjusted to the school.

19. Before the 2015-2016 school year started, I emailed my teachers to explain that the female gender marker on my school records was wrong, and asked that they use male pronouns when referring to me instead. Thankfully, my birth name is Drew, so the name on my school records did not need any correction.

20. When I began my freshman year, I was generally perceived by students and staff alike as a boy. My peers and my teachers generally used male pronouns, and I was generally treated as a boy in every respect. I knew that I belonged in the boys’ restroom, so I simply used the boys’ restrooms along with all the other boys. I always used one of the stalls, as I continue to do in every other setting where I use male restrooms.

21. I consistently used the boys’ restrooms at school for approximately six weeks without any incident until on or around September 22, 2015. On that day, I was pulled out of class and summoned to the counselor’s office, where I met with three guidance counselors,

including then-IB Program guidance counselor Kim Hollis. They informed me that someone had anonymously reported that I was using the boys' restroom. They instructed me to use a gender neutral restroom from that point forward.

22. I was shocked and confused. I asked if I had done anything wrong, and was told "no." That answer was frustrating, because it made me feel I was being punished even though I had not done anything to deserve it. In other words, it felt like I was being singled out and disciplined simply for who I am.

23. I did not want to get in trouble or have any disciplinary reports on my school record, so I reluctantly began using gender neutral restrooms at the school. I did not use the boys' restroom for the remainder of my freshman and sophomore year. In fact, I have not used the boys' restroom at school since I was pulled out of class on or around September 22, 2015.

24. Using the gender neutral restrooms immediately felt like an insult to my identity. It was absolutely humiliating to walk halfway across the school, passing several boys' restrooms, to find one of the gender-neutral restrooms. My transgender status was not widely known among the school administrators at that time, and I practically hid from administrators in the hallway who would have thought I was skipping class if I had said I was going to the restroom—while I was walking right past a boys' restroom.

25. Being singled out and treated differently from all other boys who are cisgender makes me feel anxious because it publicly reinforces the message that I am different from other boys. Every time I walk past the boys' restroom, I am reminded that my school views me as inferior and unsuitable to share spaces with others—as if there is

something threatening about me that requires me to be isolated and kept away from others. The embarrassment this policy causes me makes me feel worse about myself and hurts my self-esteem. The restroom policy also interferes with the treatment for my gender dysphoria, which requires that I live as the boy that I am in all aspects of my life. Defendants' policy tells me multiple times a day, on every school day, "You are not really a boy." This is very painful, and regularly heightens the symptoms of my gender dysphoria, including depression and anxiety.

26. In contrast to boys' restrooms located throughout the school, there have previously been, at most, three gender neutral restrooms for the entire school (with one minor exception for art class, described below): Two of these restrooms are located in the administrative building, including one restroom in the main office, and one in the guidance office. Generally, no one uses the restroom in the main office, because individuals must enter the nurse's office to get to it. Both of these restrooms are very close to each other in the administrative building, which means that their locations are equally inconvenient when I am on other parts of the campus.

27. The third gender neutral restroom has been available only intermittently to students in a building called the "H-pod." For approximately half of my time at the school, this restroom has been restricted to staff, with a "Staff Only" sign appearing periodically on the door. On one occasion, several other students and I had to petition Principal Kunze to re-open the restroom to students. On each occasion that the restroom was made available to students, no public announcement was made, which made me nervous about getting in trouble with staff who had not realized that the restroom was re-designated.

28. To access any of these gender neutral restrooms, I usually have to walk past at least one, if not two boys' restrooms. None of the gender neutral restrooms is as convenient to classes I have had as the boys' restrooms that all the other boys get to use. For example, when I have classes in the portable classrooms on campus, it could sometimes take well over 10 minutes to get to and from the gender neutral restrooms in the administrative building. Because the pass time between classes is only five minutes, using the gender neutral restrooms generally required me to miss class time when a class was in the portables. That was extremely stressful, given that I sometimes had to miss lecture material to use the restroom. That forced me to weigh the importance of the information that I would miss in class, against the anxiety, stress, and distraction that come with trying to hold one's bladder. No cisgender boy at the school has to cope with that stress or loss of classroom time just to do something as basic as go to the restroom.

29. For all of those reasons, I started to avoid using the restroom at all, whenever I could physically manage it. I began restricting my fluid intake and planning my day around when I might have to use the restroom. I worried what other students would think if they saw me going to the gender neutral restrooms. Despite the fact that this meant missing class, I would sometimes attempt to go to the restroom in the middle of the class, so that fewer students in the hallways would see me walking past the boys' restrooms to go to a special restroom instead. I also held my bladder as much as I could, which was extremely—at times, excruciatingly—uncomfortable.

30. By a stroke of luck, I had an art class last year in the middle of the day, with a single user restroom inside the classroom. Having access to a restroom in the middle of my

day provided some relief, but I was still careful about how much I drank before and during school, so that I could try to limit myself to one restroom break during the school day. While I intend to take art class again, it could be scheduled for any period of the day; an early or late art class would once again leave me in the terrible, anxiety-provoking position of not having reliable or convenient access to a restroom. And even when I did have art class in the middle of the day, I still felt very anxious about needing to use the restroom during other parts of my day.

31. Finally, I understand that a new building on the campus will open at the start of this academic year, and that it will contain some gender neutral restrooms. I am unclear how many classes, if any, I will have in the new building. Regardless, the building is on one side of the campus, and is not centrally located. Additionally, it will do nothing to reduce the pain and humiliation of being separated from my peers.

32. When I am in all other settings outside of school, I use the men's restroom. To my knowledge, there has never been an incident or complaint by others with my restroom use outside of school. I have never, and would never, invade anyone else's privacy in a restroom. I just want to use the restroom, wash my hands, and leave like everyone else does. I just want to be normal and blend in.

33. Access to the boys' restroom is also important to me because I want to interact with my peers like an equal. I am recognized as the boy that I am in every respect by peers and teachers, except at the moment I need to enter a restroom. It does not work for me to be a boy in every other part of my school life, but not when I need to perform one of life's most basic functions.

34. Being banned from the boys' restrooms is humiliating. It tells other students that I am not a real boy, and treats me like I am unfit to share a communal space with others—as if I am dangerous or perverted. I have enough to manage in a world that is still learning to understand transgender people without my school making the situation worse, and teaching my peers that I am not worthy of the same dignity and respect as all other boys.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on July 18, 2017.

A handwritten signature in blue ink, appearing to read "Drew Adams", written over a horizontal line.

Drew Adams