

**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 ERICA ADAMS KASPER

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

1. I am over the age of eighteen (18) and 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 the mother of Drew Adams. I am 40 years old, and I reside in Jacksonville Beach, Florida.
3. I am the proud parent of a boy, who is also transgender.
4. Drew’s sex assigned at birth was female, but I suspected he was transgender before Drew told me. I had watched him become increasingly anxious, depressed, and withdrawn, especially as he went through female puberty. It was difficult then, and now, to

watch your child experience serious depression and anxiety. Like any parent, I want Drew to be happy and live a full life, in this case as the boy that he is.

5. In the days before Drew told me he is transgender, I was watching television with Drew when he saw an episode of The Ellen DeGeneres Show that included an interview with a transgender man. I noticed right away how mesmerized he was by the interview, and I could see the wheels turning in his head.

6. I had a moment of dread, and I thought to myself, “things are about to get really hard.” But I also knew that Drew was profoundly unhappy living as a girl. So, I waited until he was ready to talk to me. He messaged me on Facebook not long after, asking if he could have a binder, to bind his breasts and make his chest look more masculine. I approached him to talk about his desire for a binder, and I asked, “Are you transgender?” He said yes. His answer was not a surprise by that point – I was just waiting until he was comfortable enough to tell me.

7. Any worry I had about Drew starting to transition socially and medically, to live as the boy he knew himself to be, melted away as soon as I saw how dramatically it improved his quality of life. The change in his mood was drastic, it was as if someone had flipped a light switch. The anxiety and depression he experienced living as a girl, and going through female puberty, was lifted away. Drew became an increasingly confident and positive kid after he began to transition. Through this process, I now understand that the only way Drew can be truly happy and reach his full potential as a person is if he can live authentically as the boy that he is.

8. Drew has been diagnosed with gender dysphoria, and multiple providers have confirmed the diagnosis. After we were unable to find a local physician with sufficient expertise to treat Drew, we were referred to the Duke Child and Adolescent Gender Care clinic (“Duke Clinic”) in North Carolina. Our first visit to the Duke Clinic was at the end of March 2016.

9. In June 2016, Drew was given his first testosterone prescription. When the doctor provided the prescription during our appointment, Drew could barely restrain himself from asking whether he could pick up the prescription right away and administer the dose himself. The doctor said he could go right ahead, and we went to pick up Drew’s prescription. I remember that Drew exclaimed “I did it!” as soon as he had given himself the shot. He was so excited that he was grinning from ear to ear. He was happier on that day than I had ever seen him before.

10. Drew had a double mastectomy at the end of May 2017, as one of the next major steps in his transition. The surgery, which gives his chest a more masculine appearance, has clearly brought Drew a profound sense of relief and peace. The day he learned he was approved for this surgery, Drew cried as he was overwhelmed with joy. As with the testosterone, this step to affirm his gender as a boy was once again one of the happiest moments of his life. As a result, as a parent, it was one of mine as well.

11. Along with taking these medical steps to transition, Drew has also updated the gender marker on his driver’s license from female to male, to have his identification accurately reflect who he is.

12. Although Drew has consistently used the men's restroom in a host of settings since the summer of 2015, he came home on or around September 22, 2015 and told me that he had been pulled out of class and summoned to the counselor's office, where he met with three guidance counselors, including then-IB Program guidance counselor Kim Hollis. He said that someone had anonymously reported his use of the boys' restroom, and that he was instructed to use only gender neutral restrooms on campus from that point forward.

13. Prohibiting the use of boys' restrooms at school began a chapter of heartache and distress for Drew. I felt hurt and angry as I watched this take a huge toll on him. Drew had been progressing so well in his transition, and the school's new policy undermined Drew's identity on a daily basis.

14. I could see that Drew experienced the school's singling out of him for differential treatment as a profound negation of his identity as a boy. I observed that this was extremely painful and difficult for him and we have discussed its impact countless times since that day. Drew began restricting his fluid intake, and attempting to hold his bladder throughout the day so as not to have to use restrooms that were demeaning and inconvenient for him. Requiring him to use a gender neutral restroom made him feel singled out as different. I recall him needing to rush home to use the restroom after holding his bladder for hours. It was heart-breaking, and I tried to address it with school officials in an effort to avoid taking legal action.

15. I sent letters to then-Principal Kyle Dresback and then-Superintendent Joseph Joyner right after Drew was first instructed on or around September 22, 2015 not to use boys' restrooms. My letters requested that Drew be treated as equal to all other boys in the school,

and allowed to use the boys' restrooms. I did not receive a response from Superintendent Joyner.

16. Shortly thereafter, in early October 2015, Drew and I met with Principal Dresback, social workers Holly Arkin and Christy McKendrick, and Director of Student Services Sallyanne Smith. Principal Dresback did not say much during the meeting. Ms. Smith was kind and said that several staff had recently attended a conference in Fort Lauderdale that discussed best practices for transgender students. Ms. Smith said they wanted to accommodate Drew, but that the school's hands were tied without approval from the St. Johns County School District ("District"), and that this was "a District issue."

17. I next scheduled a meeting with two officials from the District, and met on or around November 23 or 24, 2015, with then-Associate Superintendent Cathy Mittelstadt and Deputy Superintendent Brennan Asplen. Mr. Asplen repeatedly raised the issue of "biology" during our meeting, which he used to refer to genitals. I had brought an assortment of studies, articles, and other materials about transgender students to help the District officials understand how important equal treatment is, but Mr. Asplen explained his view that "98% of the people in this District would not understand" if Drew were allowed to use the boys' restroom. Mr. Asplen said he was more concerned about legal action by the parent of a cisgender (*i.e.*, non-transgender) child than legal action by Drew.

18. I offered during that meeting, and later via email, to help educate other parents in the District about transgender children, but was rebuffed. Mr. Asplen again focused his attention on the issue of genitals and asked what would happen if a transgender girl were to come out of a stall and "wave her penis around." I said words to the effect of, "Sir, I don't

know what kind of bathrooms you've been in, but I've never seen a naked person in a bathroom." I pointed out that lewd behavior by *any* student is already against the law.

19. I contacted the U.S. Department of Education's Office for Civil Rights ("OCR") in November 2015 to file a complaint. I submitted an online form, and roughly a week later OCR contacted me and said they would like to look into the complaint. OCR informed me that they asked the District if it would like to mediate the matter, and that the District declined. OCR then opened a full investigation. The assigned investigator, Roger Mills, collected a map and photos of the campus, and informed me that he had interviewed a variety of officials with the school and the District.

20. As the investigation continued, Mr. Mills suggested that I reach out to the school to continue the dialogue. On April 8, 2016, I met with Ms. Mittelstadt, Ms. Arkin, and Ms. McKendrick. Ms. Mittelstadt described this as a "civil rights issue," but said that the District is "too conservative" and "not there yet." I pointed out that other Florida school districts, like Broward County Public Schools, treat their transgender students equally by permitting them to use the restroom that matches their gender identity. Unfortunately, this meeting too yielded no progress.

21. Drew and I met again with Ms. Mittelstadt on May 4, 2016, but we were once again unsuccessful in securing a policy change that would allow Drew equal access to the boys' restrooms.

22. Unfortunately, this policy has had a very negative impact on Drew and his progress with his transition. My son continues to be treated by school officials as less than

other students by being relegated to the gender neutral restrooms. This is profoundly demeaning, distressing, and upsetting to him.

23. The most frustrating part of this is that the school officials have articulated no good reason for this policy, nor have they identified any instance of misconduct or inappropriate behavior that would support this action against Drew in particular. At no point during any of my meetings with school officials did anyone provide information or evidence suggesting that allowing Drew into the boys' restroom would cause any harm to others.

24. When Drew is in all other settings outside of school, he uses the men's restroom. To my knowledge, there has never been an incident or complaint by others with his restroom use outside of school.

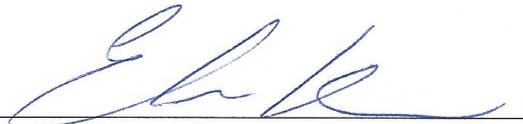
25. Like any other parent, I want my son to have every chance for success in life. A critical part of that for Drew is having his core male gender identity respected. Drew has shown remarkable improvement in his wellbeing and happiness after being affirmed as the male that he is, including through the process of transition. This is why the school's interference with his transition process, by shunting him into restrooms that repudiate his identity as a boy, is so distressing to watch, and even more distressing for Drew to experience.

26. I continue to advise Drew to follow the school's rules, even though they seem deeply discriminatory and unfair. Although this policy is hurting Drew, I do not want him to wind up with a disciplinary record, given that he is an honors student with a bright future ahead and plans to attend medical school. The situation makes me feel angry, sad, and absolutely helpless to protect my son. I would not wish these circumstances on any person,

but it feels especially cruel and mean to impose them on a powerless child. It is difficult enough being a transgender teenager, but these discriminatory practices have compounded the situation and are creating increased stress and anxiety in Drew, who is otherwise making great progress. Drew and I talk frequently about our hope that there will eventually be a day when no parent or child has to suffer through this type of discrimination. This hope is what has fueled me to participate in this lawsuit in an effort to make the situation better for Drew, and every other transgender child, as they all deserve to be treated like any other boy or girl their age.

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

Executed on July 18, 2017.



Erica Adams Kasper