

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

JANE DOE,

Plaintiff;

vs.

ANGÉLICA INFANTE-GREEN, in her capacity as :
the Commissioner of Elementary and Secondary :
Education, Rhode Island Department of Education :

Defendant. :

C.A. No. PC2025-

VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Pursuant to R.I. Gen. Laws § 42-35-7, Plaintiff seeks an order from this Court in the nature of a Declaratory Judgment against the Defendant, Angélica Infante-Green, in her capacity as the Commissioner of Elementary and Secondary Education, declaring invalid the Commissioner’s Regulation 200-RICR-30-10-1: “Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression”. This complaint also seeks injunctive relief, as will be supported by the contemporaneous filing of a motion and memorandum in support.

PARTIES

1. Plaintiff, Jane Doe, is a resident of the State of Rhode Island, and has children in the public schools of the State.
2. Because this case involves the substantial privacy interests of the Plaintiff and her minor child, Plaintiff seeks to proceed anonymously. A separate filing under seal will identify Plaintiff, and will be a sworn verification of this complaint.
3. Defendant, Angélica Infante-Green, is the Rhode Island Commissioner of Elementary and Secondary Education and is sued in her official capacity.

THE COMMISSIONER REGULATION

4. In 2018, the Commissioner of Elementary and Secondary Education (“Commissioner”) promulgated Regulation 200-RICR-30-10-1, entitled: “Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex,

Gender, Sexual Orientation, Gender Identity, or Gender Expression”. (“Commissioner Regulation”) (See attached Exh. A)

5. The Commissioner Regulation comprises three sections. They are set forth as follows:

1.1 Authority

The Commissioner, pursuant to R.I. Gen. Laws § 16-38-1.1(a)(5) has the authority to promulgate regulations to enforce the statutory requirements prohibiting discrimination on the basis of sex, *gender, sexual orientation, gender identity, or gender expression* in schools. (*emphasis added*)

1.2 Definitions

- A. “Gender non-conforming” means a term used to describe people whose gender expression differs from stereotypic expectations. This includes people who identify outside traditional gender categories or identify as both genders. Other terms that can have similar meanings include “gender variant”, “gender expansive”, or “gender atypical”.
- B. “Transgender” means an umbrella term used to describe a person whose gender identity or gender expression is different from that traditionally associated with their assigned sex at birth.

1.3 Protection for Transgender and Gender Nonconforming Students

- A. Programs and activities operated by Rhode Island public educational agencies shall be free from discrimination based on sex, gender, sexual orientation, gender identity or gender expression. By July 1, 2018, each Local Education Agency (“LEA”) shall adopt a policy addressing the rights of transgender and gender non-conforming students to a safe, supportive and non-discriminatory school environment.
- B. The LEA policy shall be consistent with state and national best practices, guidance, and model policies and shall address, at a minimum, such issues as confidentiality and privacy, discipline and exclusion, staff training, access to school facilities and participation in school programs, dress codes, official school records and use of preferred names and pronouns.
6. The sole legal basis of the Commissioner Regulation is the anti-discrimination provisions of R.I. Gen. Laws § 16-38-1.1. That statute provides in part:

“(a)(1) Discrimination on the basis of sex is prohibited in all public elementary and secondary schools in the state and in all schools operated by the board of regents for elementary and secondary education. This prohibition shall apply to employment practices, admissions, curricular programs, extracurricular activities including athletics, counseling, and any and all other school functions and activities.”

7. There is no mention in R.I. Gen. Laws § 16-38-1.1 of gender, sexual orientation, gender identity, or gender expression.
8. In fact, R.I. Gen. Laws § 16-38-1(a)(2) goes on to specifically identify a distinction between only males and females:

Notwithstanding this prohibition, schools may do the following:

- (i) Maintain separate restrooms, dressing, and shower facilities for males and females;
- (ii) Conduct separate human sexuality classes for male and female students; and
- (iii) Prohibit female participation in all contact sports provided that equal athletic opportunities which effectively accommodate the interests and abilities of both sexes are made available.
- (iv) Provide extracurricular activities for students of one sex, including, but not limited to, father-daughter/mother-son activities, but if such activities are provided for students of one sex, opportunities for reasonably comparable activities shall be provided for students of the other sex. School districts are required to allow and notify students that they may bring the adult of their parent's or guardian's choice to the event.

9. Pursuant to R.I. Gen. Laws § 16-38-1.1(5): "The commissioner of elementary and secondary education shall be responsible for enforcing this section and is empowered to promulgate rules and regulations to enforce the provisions of this section."
10. Although the Statute was enacted in 1985, and was last amended in 2013, the Commissioner issued no regulation under R.I. Gen. Laws § 16-38-1.1(5) until 2018.
11. In 2016, the Rhode Island Department of Education ("RIDE") issued a "Guidance for Rhode Island Schools on Transgender and Gender Nonconforming Students." (See attached Exh. B) In that Guidance, RIDE made this specific finding: "RIGL §16-38-1.1 states in part that, 'Discrimination on the basis of sex is hereby prohibited in all public elementary and secondary schools in the state . . .' *The state statute is essentially a restatement of the federal Title IX.*" (emphasis added).
12. After enacting the Commissioner Regulation, the Commissioner has directed that every public school district in Rhode Island must have "Transgender Policy".
13. As a result of the Regulation, the School District that Plaintiff's children attend adopted in 2018 a "Transgender policy", which provides in part:

"Secondary School Students:

If school staff believe that a gender identity issue is presenting itself and creating challenges for a student at school, or if the student or parent(s)/guardian(s) of a student indicates an intention, the school should make every effort to work with the student. Generally, notification to a student's parent(s)/guardian(s) about their gender identity, expression, or transition is unnecessary, as they are already aware

and supportive. However, some transgender students do not want their parents to know about their transgender status. These situations must be addressed on a case-by-case basis and require schools to balance the goal of supporting the student with the desire that parents be informed about their children. In these circumstances, the school administration will inform the superintendent. If the superintendent believes additional steps may be needed, the superintendent will guide the team. If the school licensed mental health provider determines that notifying the family carries risks for the student, it should work closely with the student to assess the degree to which, if any, the family will be involved in the process and must consider the age, health, well-being, and safety of the student.”

THREAT TO PLAINTIFF’S LEGAL RIGHTS AND PRIVILEGES

14. Plaintiff’s daughter was the victim of sexual abuse by a family member was she was 5 years old. The perpetrator was related to her father and was convicted of child sexual assault and sentenced to prison.
15. As a result of the sexual assault, Plaintiff’s daughter has suffered mental health issues, including gender dysphoria.
16. Unknown to Plaintiff, her daughter began to socially transition to a boy at school, with the help of school personnel.
17. Because of the Commissioner Regulation, RIDE’s guidance and the policy the School District was forced to enact, these school personnel felt emboldened and compelled to encourage the daughter’s social transition, and to hide this fact from Plaintiff.
18. Plaintiff only discovered this secret transitioning when her daughter attempted to commit suicide in the 10th grade.
19. The school district continues to keep secrets from Plaintiff, including refusing to release school records of her daughter’s social transition.
20. Plaintiff also has two boys who also attend the school district, and fears that they may be subject to the effects of the Commissioner Regulation. Plaintiff fears that school personnel will allow girls in these boys’ bathrooms and private facilities, may compel her boys to use gender pronouns of classmates which do not comport to biological reality under threat of punishment, and may keep thoughts of their social transitioning secret from her.
21. As a result of the Commissioner’s interpretation of her powers under R.I. Gen. Laws § 16-38-1.1(5), and her enactment of the Commissioner Regulation and policy guidance, Plaintiff has suffered harm and continues to suffer harm.

**UNITED STATES DEPARTMENT OF EDUCATION
GUIDANCE ON ENDING GENDER REGULATIONS
ENACTED UNDER TITLE IX**

22. On January 20, 2025, newly inaugurated President Trump issued an Executive Order, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government.” President Trump ordered all agencies and departments within the Executive Branch to “enforce all sex-protective laws to promote [the] reality” that there are “two sexes, male and female,” and that “[t]hese sexes are not changeable and are grounded in fundamental and incontrovertible reality.” (Exh. C)
23. On February 4, 2025, the U.S. Department of Education sent a “Dear Colleague” letter to K-12 schools advising educators and administrators that the department’s Office for Civil Rights will enforce the Trump Administration’s 2020 Title IX Rule. Under this interpretation, Title IX, 20 U.S.C. §1681 et seq. (“Title IX”): prohibits discrimination on the basis of biological sex and cannot be expanded by rule to require recipients of federal funds to issue policies prohibiting discrimination on the basis of “gender identity.” (Exh. D)
24. As justification in part for stating that Title IX only protects against discrimination on the basis of sex, not gender, the United State Department of Education, cited numerous federal district court decisions which have enjoined the prior Presidential Administration’s rule interpreting Title IX on the grounds that Title IX prohibits discrimination on the basis of sex, not gender identity. *See, e.g., Oklahoma v. Cardona*, Case No. 5:24-cv-461-JD, 2024 WL 3609109 (W.D. Okla. July 31, 2024); *Arkansas v. U.S. Dep’t of Educ.*, Case No. 4:24-cv-636-RWS, 2024 WL 3518588 (E.D. Mo. July 24, 2024); *Carroll Indep. Sch. Dist. v. U.S. Dep’t of Educ.*, Case No. 4:24-cv-461-O, 2024 WL 3381901 (N.D. Tex. July 11, 2024); *Texas v. United States*, No. 2:24-cv-86-Z, 2024 WL 3405342 (N.D. Tex. July 11, 2024); *Kansas v. U.S. Dep’t of Educ.*, Case No. 5:24-cv-4041-JWB, 2024 WL 3273285, at *12–13 (D. Kan. July 2, 2024); *Tennessee v. Cardona*, Case No. 2:24-cv-72-DCR, 2024 WL 3631032 (E.D. Ky. July 10, 2024); *Louisiana v. U.S. Dep’t of Educ.*, 737 F. Supp. 3d 377 (W.D. La. 2024).
25. Perhaps most importantly, in *United States Dep’t of Educ. v. Louisiana*, 603 U.S. 866 (2024), all nine justices of the Supreme Court of the United States, “accept[ed] that the plaintiffs were entitled to preliminary injunctive relief as to three provisions of the rule, including the central provision that newly defines sex discrimination to include discrimination on the basis of sexual orientation and gender identity.” *Id.* at 867. (Exh. E)
26. Since the R.I. statute prohibiting discrimination on the basis of sex is identical to Title IX, the Commissioner may not interpret “sex” to include “gender”.
27. Although there is no statutory basis for the Commissioner Regulation, and in fact the Regulation is in violation of Federal law, the Commissioner refuses to rescind the regulation, as evidenced by a letter she co-signed with the Rhode Island Attorney General on February 28, 2025, and sent to every school district in the State. (Exh. F)

28. Not only did the Commissioner refuse to rescind the Commissioner Regulation, she along with the Attorney General threatened school districts that: “making any changes [to school district gender policies] would be ill-advised and may even be in violation of existing federal and state law.”
29. Plaintiff can obtain no relief from this illegal Commissioner Regulation without intervention from this Court.

COUNT I
DECLARATORY JUDGMENT
PURSUANT TO R.I. GEN. LAWS § 42-35-7

30. Plaintiff repeats and incorporates by reference the allegations contained in all of the paragraphs of the complaint.
31. Pursuant to R.I. Gen. Laws § 42-35-7: “The validity or applicability of any rule may be determined in an action for declaratory judgment in the superior court of Providence County, when it is alleged that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question.”
32. The Commissioner Regulation interferes with and threatens to interfere with the legal rights and privileges of Plaintiff. Plaintiff as the “Natural parent” of her children has “a fundamental liberty interest in the care, custody, and management of their children.” *In re Manuel P.*, 252 A.3d 1211, 1218 (R.I. 2021).
33. Because of the Commissioner Regulation, a school district in Rhode Island was forced to keep secret from Plaintiff that her daughter wanted to secretly transition to a boy. This transition led in part to the daughter’s attempted suicide.

WHEREFORE, the Plaintiff requests that this Honorable Court issue a declaratory judgment that Regulation 200-RICR-30-10-1: “Regulations Governing Protections for Students Rights to be Free from Discrimination on the Basis of Sex, Gender, Sexual Orientation, Gender Identity, or Gender Expression”, is invalid.

COUNT II
REQUEST FOR PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF

34. Plaintiff repeats and incorporates by reference the allegations contained in all of the paragraphs of the complaint.
35. The actions of the Commissioner in enacting Regulation 200-RICR-30-10-1, are so manifestly illegal that Plaintiff is likely to succeed on the merits of her case.

36. Plaintiff has suffered and will continue to suffer irreparable harm if Regulation 200-RICR-30-10-1 is allowed to remain in effect.

37. The balancing of equities and public interest weigh heavily in favor of the Plaintiff to ensure that she is not subject to invalid regulation of the Commissioner.

WHEREFORE, the Plaintiff requests this Honorable Court to issue a temporary restraining order, and preliminary and permanent injunctive relief, ordering that Defendant, Angélica Infante-Green, in her capacity as the Commissioner of Elementary and Secondary Education, rescind Regulation 200-RICR-30-10-1.

Plaintiff,
By her Attorney,

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