

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOAQUÍN CARCAÑO; PAYTON GREY
MCGARRY; H.S., by her next friend and
mother, KATHRYN SCHAFER; ANGELA
GILMORE; KELLY TRENT; BEVERLY
NEWELL; and AMERICAN CIVIL
LIBERTIES UNION OF NORTH
CAROLINA,

Plaintiffs,

v.

PATRICK MCCRORY, in his official capacity
as Governor of North Carolina; UNIVERSITY
OF NORTH CAROLINA; BOARD OF
GOVERNORS OF THE UNIVERSITY OF
NORTH CAROLINA; and W. LOUIS
BISSETTE, JR., in his official capacity as
Chairman of the Board of Governors of the
University of North Carolina,

Defendants.

No. 1:16-cv-236-TDS-JEP

DECLARATION OF MONICA WALKER

1. I provide this declaration for Plaintiffs in connection with the above-captioned litigation. I have actual knowledge of the matters stated in this declaration.

2. I am currently the Diversity Officer for the Guilford County Schools (“GCS”), the public school district for Guilford County, North Carolina. I am providing this declaration based on my experience as the Diversity Officer for the District—a position I have held for 10 years—with the support of the GCS Superintendents and the Guilford County Board of Education. I am not being compensated for providing this declaration.

3. GCS is the third largest school district in North Carolina, with over 72,000 students on 127 school campuses, which house 69 elementary schools, 22 middle schools, 27 high school schools, and 10 alternative schools. The district is divided into four regions, each of which has its own superintendent and administration. The district also has a central office, located in Greensboro, North Carolina, with departments that serve the entire district. The Diversity Office is one of these departments.

4. Before I was hired as the Diversity Officer for GCS, I taught Justice and Policy Studies at Guilford College in Greensboro, North Carolina for three years, and prior to that, I worked in various leadership roles at St. Paul Community Baptist Church Ministry in Brooklyn, New York for almost fifteen years. I have also worked for over twenty years as an independent consultant, doing trainings around the country on critical race theory and understanding how race impacts systems and structures.

5. The mission of the Diversity Office is to create an educational organization where a variety of persons and perspectives are welcome, as well as to provide an environment where students and staff from all cultures and backgrounds may succeed. I am the head of the Diversity Office, and I supervise a full-time staff of five.

6. The Diversity Office fields requests from GCS schools about equity and inclusion for many types of students, including transgender students. I or my staff also provide all new staff, faculty, and personnel in the district—500 to 800 people per year—with cultural and diversity training, including training on the protocol I have developed for transgender students. Our office also offers diversity workshops for teachers and staff year round, on topics like: “What is Culture and How is it Experienced in the Classroom?” and “Poverty, Culture and Education,” and “Implicit Bias and Working with Other People’s Children.”

7. The assistance that the Diversity Office provides GCS schools is sometimes reactive (to a situation that arises) and sometimes proactive (to try prevent situations from arising). An example of a reactive request is that I have been called into schools to help them accommodate refugee students who are not English-language proficient. An example of proactive work is that I have done extensive training with a number of GCS schools to help them with their students from low-income families. 62% of students at GCS qualify for the national school lunch program (the federal program providing free school lunches to students from low-income families), and these students need different kinds of school supports than other students. My goal in all the cases I work on is to help GCS schools create safe and inclusive environments free from harassment, bullying and discrimination for all our students.

8. With respect to transgender students, I have developed a protocol based in the state law requirement of the School Violence Prevention Act, General Statutes Section 115C-407.15, that public school districts must prevent bullying, harassment, and discrimination based on many characteristics, including sexual orientation and gender identity. This protocol—which aims to help schools plan for the needs of transgender students—is the kind of thing I develop for working with a myriad of diverse students needs.

9. The first time I worked with a GCS school on a student gender transition issue was approximately five years ago. The transgender student involved was assigned the sex of male at birth, but between kindergarten and first grade, the student socially transitioned from male to female. The student's mother reached out to the school to plan for the student starting first grade as a girl, and the school then reached out to me. Based on my experience of working with this school to accommodate the needs of the transgender student and her mother, I started developing a protocol for supporting transgender students in the district.

10. Since then, I have worked with three other GCS schools to support two transgender students (one student transferred schools). In both cases, the students were also in elementary school when they transitioned—the first and second grades—and one was transitioning from male to female and the other was transitioning from female to male. In all three cases of transgender students at GCS schools, a parent of the student contacted school administrators to talk about how to support their child's gender transition.

11. The protocol that I have followed for working with GCS schools to accommodate their transgender students involves the following steps:

- a. I first try to bring together all the people who have a need to know about a student's gender transition—the student's parent or parents, the school principal, and key teachers and administrators—in a meeting.
- b. At the meeting, I emphasize that it is important to create a plan that will work for that particular student and their family tailored to their needs.
- c. The next thing I bring up at the meeting is confidentiality. How open is the student and their family to talking about the student's gender transition? The three transgender students whose cases I have worked on stayed in the same school after their transition (though one later transferred to another school), so their gender transitions were known to at least some people in those schools. But the degree to which the transgender students' parents felt comfortable about school's teachers and administrators being told about their children's gender transition has been very different. Some parents have been comfortable with being very open to all about their child's gender transition, and some parents are

insistent that knowledge of their child's gender transition be limited to as few teachers and administrators as possible.

- d. We next talk about the student's preferred name and gender pronouns—the names and pronouns that accord with the student's gender identity. None of the transgender students whose cases I have worked on had changed their legal name or gender. What this means is that the student's name and gender cannot be currently changed in our student PowerSchool database, and so every printout of student names (for class rosters, etc.) has the student's legal name and some printouts also reflect gender. I instruct the school administrators to put a note in the student's file that teachers and other staff should change the student's name/gender on the printouts.
- e. We also talk about the student's use of restrooms. In my experience, this part of the conversation is the least complex: the student uses the restroom that accords with the student's gender identity. Although locker rooms have not come up in the three transgender student cases I have worked on, they will come up, and the same principle will apply in that context: the transgender student would use the locker room that accords with their gender identity.
- f. Finally, we talk about how to handle questions about the student's gender transition from other students, teachers and administrators, and parents.

12. With the first transgender student whose case I worked on, it took some time to work out the details of the student's gender transition, and the student unfortunately was bullied on a school bus. After I developed the protocol for GCS schools and transgender students, the

transitions of the other two transgender students at their GCS schools have been seamless. All three transgender students are now thriving in their GCS schools.

13. There have been no complaints about student misbehavior by transgender students using the restrooms in GCS schools that accord with their gender identity. There also have not been any complaints about students who are not transgender misbehaving in restrooms because they use the restroom with a transgender student.

14. There is no question of student nudity in restrooms in GCS schools. All GCS school restrooms are either single-user (in pre-kindergarten and kindergarten, where a single restroom is in each classroom) or multi-user with stalls (in first through twelfth grade).

15. All GCS schools also have single-user restrooms, typically reserved for teachers and staff. I encourage GCS schools to offer access to these restrooms to any student who has a privacy concern with sharing the multi-user restrooms with other students, whether transgender or not. To my knowledge, no student has requested to use a single-user restroom for privacy-related reasons.

16. I am also confident that any student's privacy-related concerns about changing in a locker room could be accommodated. I am aware that students are sometimes uncomfortable changing in front of each other in locker rooms—maybe because the student is overweight, or unpopular with the others students, or just shy. To my knowledge, students have not asked for a privacy accommodation to address this discomfort, but if a student asked, I would be prepared to work with a school to accommodate that request.

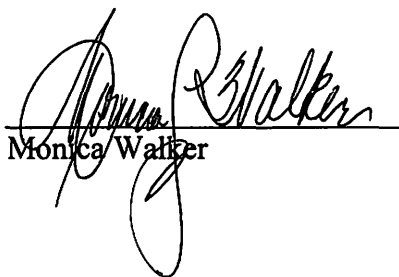
17. Enforcing the restroom and locker room mandate of H.B. 2 in GCS schools would harm GCS students. Because of their age, GCS transgender students will not be able to change their birth certificates, as they will not have had "sex reassignment surgery," which I understand

is required under North Carolina law to make such a change. As a result, they will not be able to meet the definition in H.B. 2 of having a “biological sex” that is consistent with their gender identity, their gender presentation, and the gender that others know them to be.

18. I understand my job at GCS to be to protect students and keep them safe. To protect our transgender students and keep them safe from bullying and harassment, they must be able to use the restrooms and locker rooms that accord with their gender identity.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 13, 2016.

By: 
Monica Walker