

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JOHN AND JANE DOE NO. 1, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 3:22-cv-00337
v.)	
)	
BETHEL LOCAL SCHOOL DISTRICT)	
BOARD OF EDUCATION, <i>et al.</i> ,)	Judge: Michael J. Newman
)	
Defendants.)	
)	
)	

DECLARATION OF ANNE ROE

I, Anne Roe,¹ declare as follows:

1. I have actual knowledge of the matters stated in this declaration, which I submit in support of my motion to intervene in the above-captioned matter.

PERSONAL BACKGROUND

2. I am a 14-year-old resident of Tipp City, Ohio.

3. I am currently enrolled in the ninth grade at Bethel High School. In addition to my classes there, I participate in the marching band, play the flute, and am planning to join the theater and newspaper clubs this year.

4. I am a girl who is transgender. Although my sex assigned at birth was male, I live consistently as a girl in all aspects of my life.

¹ Counsel for Proposed Intervenor have also filed a Motion to Proceed Pseudonymously on behalf of Anne Roe.

5. From as far back as I can remember, I always knew that I was not a boy. As a child, I liked to do things that are associated with girls, like playing with dolls, wearing dresses and high heels, and painting my nails. When I was around eight years old, I first learned about transgender people while I was visiting an uncle who is a transgender man. I was relieved that I finally had the words to describe what I have always known about myself.

6. When I returned from visiting my uncle, I immediately told my parents that I am a transgender girl.

7. Initially, my parents did not fully understand what it meant to be transgender, and did not know how to support me.

8. During this time, I was still being treated like a boy. I was extremely depressed as a result. I avoided going out and socializing because I hated being treated like a boy. Now that I understood more about my gender and my identity, trying to pretend I was a boy was extremely painful and my mental health suffered.

9. When I about eleven years old, I knew that my body would begin going through puberty and changing in ways that would be horrible for me. I remember having nightmares about growing up to become a man, and it was terrifying. Out of desperation, I started looking for ways to buy puberty blockers.

10. When my mom discovered that I was trying to find these medications, she really started to understand that my being transgender was real and could not be ignored. At that point, my mom and stepdad started researching and learning about transgender people. Since then, they have become incredibly supportive of my transition, and have completely accepted me as their daughter.

11. Following this period of learning, my mom took me to meet with a therapist to talk about my gender dysphoria and about being transgender. Therapy has helped me in so many ways, and I continue to go to therapy to this day.

12. In or around December of 2019, I began taking puberty blockers in order to avoid the traumatic experience of undergoing male puberty. It was such a huge relief for me that my nightmares of transforming into a man would not become my reality.

13. In September 2021, I started hormone therapy as part of the treatment for my gender dysphoria.

14. Coming out as transgender, and receiving the social and medical support I needed, have completely changed my life for the better. I am more emotionally stable and much less depressed than I was before transitioning.

15. Most people I encounter in the world recognize and treat me as a girl. When I go out in public, such as to the store or to the mall, people see me and treat me like other girls my age. They use the pronouns “she” and “her.” I have become much more social and willing to venture out of my house because I am no longer treated like a boy.

16. I know that I would not have made it this far if it weren’t for my coming out as transgender, receiving all of the love and support from my family and friends, and obtaining the medical care to treat my gender dysphoria.

BETHEL LOCAL SCHOOL DISTRICT

17. From kindergarten through the beginning of sixth grade, I attended Fairborn City Schools in Fairborn, Ohio.

18. The time I spent as a student at Fairborn City Schools was extremely difficult. I endured constant bullying and harassment by other students ever since I came out as transgender,

which I did at school in sixth grade. The bullying and harassment were both verbal and physical, and were always related to my gender identity, gender expression, and my general femininity. I quickly learned that for my own safety, and to avoid bullying, I needed to avoid using the boys' communal restroom.

19. I was also physically attacked by another student because I was transgender. I was beaten up so badly that later, I couldn't remember exactly what had happened. That incident happened in the school lunch room, during a time period when I was still using the boys' communal bathroom at Fairborn.

20. Around the middle of sixth grade, near the end of 2019, I moved with my mom and stepdad to Tipp City, Ohio. In January of 2020 I started at a new school, Bethel Middle School.

21. Even before I stepped foot on the campus of Bethel Middle School, my family and I informed the school's administration that I am transgender.

22. At that time, I felt that it would be safest and most comfortable for me to use the single-use restrooms. After having experienced so many problems at Fairborn, I wasn't sure of what to expect at this new school or what I could request in terms of access to the restrooms.

23. From the day I started at Bethel Middle School in January of 2020 until December of 2021, I used the school's single-use restrooms. At various times during my time at Bethel Middle School and Bethel High School, there have been several single-use restrooms at the school. One is located in the Nurse's office near the Bethel Middle School Gymnasium. There are two separate single-use restrooms designated as Family Restrooms located on either side of the Bethel Middle School Gymnasium. And there are two single-use restrooms designated as

Faculty Restrooms, one of which is located in the Staff Workroom, and the other of which is located in between the Bethel Middle School Office and the Bethel High School Office.

24. Of these five single-use restrooms, I had access to and used the single-use restroom inside the Nurse's Office, and the single-use Faculty Restroom located in between the Middle School and High School offices. The Family Restrooms would first open in or around August of 2022. The restroom in the Staff Workroom generally was not available for students.

25. Even though I initially asked for permission to use the single-occupancy restrooms, being limited to these few restrooms quickly became a problem.

26. Since birth, I have had a medical condition that makes it very important for me to have easy access to restrooms. This condition can make urination unpredictable and suddenly urgent. My doctor has told me consistently never to hold in urine, and to make sure I always go to the restroom immediately when I need to.

27. Generally, students only have about three minutes in between each period. The only exceptions are immediately before and after lunch, when we are given five minutes. During these three-minute passing periods, students must get from one class to another class, access their individual lockers if necessary, and use the restroom.

28. The restrooms at Bethel Middle School and Bethel High School can be crowded in between classes, because a lot of students are trying to use the same bathrooms in a short amount of time. All students are allowed to use the two single-use Family Restrooms, which means that those would sometimes be occupied by another student during passing periods. And the faculty would also use the one single-use Faculty Restroom that I had permission to use, which meant that it too was unavailable at times. This situation was difficult for me because of my medical condition.

29. When I was still using the single-use restrooms, it was difficult for me to use the use the restroom in between classes without being tardy to my class. I was regularly late to class during middle school, would miss part of the class time, and was disciplined several times, receiving a “strike” on my disciplinary record for being late. At least one time, I was sent to the principal’s office for being late to class because I needed to use the restroom.

30. To avoid being late, sometimes I would ask for permission to go to the restroom during class. But going to the restroom during class is distracting. I would miss some of the class instruction or activities and then I would have to try and catch up later.

31. Using the single-occupancy restroom also singled me out and called attention to the fact that I am transgender. It puts a target on your back. During the time that I would use the single-use restrooms, I started noticing that other students would taunt and harass me for using the “sissy bathroom.” I saw this happen to other transgender and gender nonconforming students who used the single-use bathroom. It was humiliating for me to walk to and from the single-occupancy restroom, passing by the other students who were using the communal restrooms.

32. I continued to get comments like this throughout middle school. Some of the other students would shout transphobic remarks or slurs, refuse to use my preferred pronouns, or ask inappropriate and invasive questions about my body. Students would routinely push or shoulder-check me in the hallways. Once, I heard a student in the hallway proclaim, “we should kill all transgenders.” Another time, someone left a pair of scissors on my seat in class, with the points facing upwards. In another incident, a student who had consistently made fun of me for being transgender sprayed me with antibacterial disinfectant. I was harassed in some way almost every day, especially in seventh and eighth grade.

33. Even though not all of the harassment had to do with restrooms specifically, I believe that having to use only a single-occupancy restroom made the bullying and harassment worse. It singled me out and called attention to the fact that I am transgender, which opened me up to bullying.

34. Eventually, because of the bullying and harassment, I started holding in my urine even when I had had time to use the single-occupancy restroom. I would often avoid drinking any liquids while at school so that I wouldn't have to urinate, to avoid using the restroom at school. This became a pretty regular occurrence for me.

35. Not using the restroom all day began negatively affecting my school performance. Although this meant I was no longer missing classes because I was late or because I was using the restroom during class, it became almost impossible for me to concentrate on the material I was meant to learn. My grades got worse as a result. It also made it difficult for me to socialize and interact with my classmates, through clubs and other after-school activities, because I would rush home immediately after school so that I could relieve myself. When I arrived home, I would run to the restroom.

36. Not using the restroom all day also began to negatively affect my physical health. During this time, I had two to three urinary tract infections from holding in my urine all day, and I felt dehydrated because I wasn't drinking liquids. It caused me a lot of pain and discomfort, and became unbearable.

THE SCHOOL DISTRICT'S ACCOMMODATION

37. My mom consistently told me she was worried about how the limited restroom access was impacting my health and my school performance. She would encourage me to use the restroom if and when I needed to, and to not hold in my urine because of the health impact. In or

around late 2021, after a doctor again reminded me not to try holding my urine, my mom and I decided that I should start using the girls' communal restroom in addition to the single-occupancy restrooms. This would give me the same number of restroom options as other students, and make it easier for me to perform my basic bodily functions without sacrificing academic performance.

38. At this time, I had also developed more of a friend and support network at the school, and I felt safe and comfortable using the girls' communal restroom. I would not feel safe using the boys' communal restroom because I am not a boy and I have experienced very serious and scary bullying and harassment when I used the boys' communal restroom at Fairborn City Schools.

39. My mom and I decided to reach out to the school administrators to inform the school that I needed to start using the girls' communal restroom. The last time we had spoken with the Middle School Principal about restrooms, we had all agreed that I would use the single-use restrooms because that is what felt safe for me at the time. But we had never specifically asked before about whether the school would allow me to use the girls' communal restroom.

40. In December of 2021, the Principal of Bethel Middle School, Mr. Triplett, and the Bethel Local School District Superintendent, Mr. Firks, told me that I could begin using the girls' communal restroom in January of 2022, when all the students returned to school from Winter Break.

41. Since January 2022, I have regularly used the girls' communal restroom. I have never had any incidents or issues with other students about doing so. I have continued using the girls' communal restroom as a student at Bethel High School, where I started as a freshman in 2022.

42. Having access to the regular restrooms has been a turning point, and has been amazing. I am super excited to not have to hold in my urine all day. My grades have improved now that I can focus on learning the materials during class. Also, with more restroom options I am able to use the restroom during passing periods and still make it to class on time. This means I don't have to sacrifice instruction time.

43. Also, being allowed to use the girls' communal restroom, like every other girl at my school, has helped me feel like I finally belong, and not like the outcast who has to use the separate restroom. Suddenly it wasn't everyone and then me; it was everyone *and* me.

44. I would be devastated and hurt if I were to be told that I could no longer use the girls' communal bathroom, like the other girl students at my school. It would be humiliating and degrading to be treated differently from other girl students by being required to use different restrooms.

45. It would feel unfair that my physical health is being harmed and my educational opportunities are being limited by denying me access to the same restrooms as other girls because I am transgender.

46. All of the single-use restrooms that I'm allowed to use are on the opposite side of the school from the Bethel High School classrooms. They're much farther away than the closest communal girls' and boys' restrooms, which are located right near most of the high school classrooms.

47. I would feel sad that I am being treated like a danger or an outcast, when I have never caused harm to anyone. It would be especially sad, given how much harassment and even violence I've suffered at the hands of classmates because I am transgender.

48. If I was forced to use only the single-occupancy restrooms again, I would also expect more uncomfortable questions and harassment. I don't have access to any single-use restrooms in the Bethel High School section of the school, so access to one of the single-use restrooms requires that I go to Middle School. I have been asked by other students what I, a high school student, was doing in the Middle School section. The harassment might even be worse than it was before, because of that.

49. It is very important to me that I be allowed to participate in this lawsuit. I am only halfway through my freshman year at Bethel High School, which means I have the rest of this year and another three years at this school. During that time, it is important to me that I continue to receive the same opportunities as my classmates, including access to the same facilities as other girls.

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

Executed on January 6th, 2023

Anne Roe
Anne Roe