



Written by [Bob Adelman](#) on November 11, 2022

Vermont High School Backs Down Over “Transgender” Incident After ADF Files a First Amendment Lawsuit

Lawyers representing Randolph Union High School (RUHS) in Randolph, Vermont, persuaded school officials to drop their threats of punishment upon receiving [a 124-page lawsuit filed by the Alliance Defending Freedom \(ADF\)](#).

At issue: the school’s determination to force its transgender policies upon a 14-year-old girl and her father. For daring to question those policies — i.e., complaining when a male who declared himself to be a female entered the girls’ locker room to observe them undressing — RUHS officials demanded that the student, Blake Allen, “take part in a restorative circle ... to help her understand the rights of [transgender] students to access public accommodation ... in a manner consistent with their [self-proclaimed] gender identity.”

School officials also demanded that her father, Travis Allen, apologize for a Facebook post challenging the mother of the transgender male/female over the veracity of a Facebook post she made defending her transgender male/female son/daughter.

ADF reviewed the incident:

Travis Allen and his fourteen-year-old daughter, Blake, were punished for expressing their views on a matter of profound public concern: whether a teenage male who identifies as female should be permitted to change in a girls’ locker room regardless of the discomfort experienced by girls in that room.

In objecting to a male being in the room while the girls are changing, Travis and Blake each made comments underscoring that the trans-identifying student is in fact a male, including by using male pronouns.

Indeed, their view of the student’s maleness was foundational to their opinions on appropriate use of the locker room.

Yet, their remarks were too much for Defendants’ transgender orthodoxy — Travis was deemed to have “misgendered” the student, while Blake was found guilty of “harassment” and “bullying” — so Defendants disciplined both of them.

ADF claimed that by doing so the school officials violated the Allens’ First and Fourteenth Amendment rights:



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Defendants are state actors and violate the First Amendment when they attempt to dictate what may be said on matters of public concern.

And they cannot discriminate against speech on the basis of its viewpoint.

Yet, that is exactly what happened here. Defendants punished Travis and Blake for saying that a male is a male, as a matter of sex and biology, regardless of the gender identity that the male has assumed.

On September 21 a male who identifies as a female entered the girls' locker room while the girls were changing. Many of them got upset and demanded that he leave. Their parents called the principals to complain.

The next day Blake expressed her thoughts on the incident to some of her classmates, exclaiming, "[he] literally is a dude," who "does not belong in the girls' locker room."

That triggered school officials into conducting an "investigation," after which it was concluded that Blake was guilty of "harassment on the basis of gender identity" and needed to be punished:

Defendants also seek to coerce her to agree with their transgender dogma. In addition to giving Blake two days' out-of-school suspension, Defendants are requiring her to "[t]ake part in a restorative circle with ... our Equity Coordinator and at least two students who can help her understand the rights of students to access public accommodations ... in a manner consistent with their gender identity," and "submit a reflective essay."

Defendants intend to render their own judgment on this reflective essay; and if they deem it "lacking good faith," Blake will be required to serve an additional three days' out-of-school suspension.

Blake's father, Travis, got involved when he responded to the following Facebook post by the mother of the son/daughter:

I am the mother of the trans student in question and my [son] daughter did not make any comments at all. The entire team can back this up, other than the girl that made up the story for attention.

This is slander, defamation of character, and we have secured a lawyer....

Travis responded:

I am the father of the girl you claim "made up a story for attention." The truth is your son watched my daughter and multiple other girls change in the locker room. While he got a free show they got violated.

You think this is fine and dandy. I wonder how you would feel if I watched you undress?

For that transgression school officials demanded that Travis apologize, and ended a contract it had with him as coach of the school's girls' soccer team.

Claimed the ADF in its lawsuit:



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The First Amendment does not countenance this kind of government censorship, where a public school mandates that students and coaches refrain from expressing any view that offends its prescribed views, particularly on an issue as important as whether the school should permit males identifying as girls to undress, shower and change in the girls' locker room.

Travis and Blake Allen were entitled to express their views on that issue and, in expressing those views, to support them with what is a biological fact — that a biological teenage male is, indeed, a male.

This case presents a textbook example of unconstitutional viewpoint discrimination, and Plaintiffs are entitled to all appropriate relief.

ADF summed up their argument:

By requiring Blake Allen to take part in a “restorative circle” to help her “understand the rights of students to access public accommodations ... in a manner consistent with their gender identity” and “submit a reflective essay” that meets Defendants’ own standards in order to avoid additional out-of-school suspension, Defendants are seeking to compel her to speak in violation of the First and Fourteenth Amendments.

By requiring Travis Allen to issue a public apology for his September 29 Facebook post as a condition to be reinstated as a coach, Defendants are seeking to compel him to speak in violation of the First and Fourteenth Amendments.

The state of Vermont has created this problem by its willingness to buy into the current fad of “transgenderism.” It states that

1. All students have a gender identity which is self-determined;
2. All persons, including students attending school, have privacy rights.

Vermont defines “transgender” as “an individual whose gender identity or gender expression is different from the individual’s assigned sex at birth.”

Conflict is therefore inevitable, yet it never existed when the Genesis account was considered the basis of all law. Genesis 1:27, if Vermont state officials would follow it, eliminates the conflict: “God created man in His own image, in the image of God He created him, male and female He created them.”

After reviewing the lawsuit, school officials backed down. Said ADF: “Shortly after filing the lawsuit, counsel for the school officials notified ADF attorneys that the superintendent was rescinding the disciplinary actions.”



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