



Written by [Michael Tennant](#) on January 12, 2024

## Judge Orders California School District to Reinstate Teachers Who Sued Over Its Trans Policy

A federal judge ordered a Southern California school district Wednesday to reinstate two Christian teachers who were placed on administrative leave after they sued the district over its policy requiring them to conceal students' in-school gender switches from their parents.

U.S. District Judge Roger Benitez [ordered](#) the Escondido Union School District (EUSD) "to return Plaintiffs Elizabeth Mirabelli and Lori Ann West back to the classroom on Tuesday January 16th of 2024 if they so choose."



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"I'm shocked! I'm still processing. I cannot believe it," West told San Diego's [FOX 5](#) Wednesday. (Mirabelli, the station noted, "was not in court ... due to health reasons.")

Represented by attorneys from the Thomas More Society, Mirabelli and West, teachers at EUSD's Rincon Middle School, filed a [federal lawsuit](#) against the district in April, charging it with violating their First Amendment rights to freedom of speech and religion by forcing them to lie and prohibiting them from expressing their opinions on certain matters.

Specifically, EUSD secretly enacted a policy in 2020 that requires teachers to unhesitatingly accept a student's gender self-identification and call him by his preferred name and pronouns — except when communicating with his parents.

After a substitute teacher unknowingly violated the policy in late 2021, EUSD held an online meeting to explain the policy to teachers. In that meeting, teachers were told that "revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent," would constitute grounds for discipline under the district's discrimination and harassment policy. Those who lack "a legitimate need for the information," teachers were informed, include students' parents.

Teachers were further told that they were not to express "their personal beliefs" on transgenderism to either students or parents.

Mirabelli's and West's requests for religious exemptions were denied, and they were ordered not to discuss a student's gender identity with the student's parents even if the parents asked about it. EUSD policy, however, prohibits "being dishonest with ... parents/guardians" and declares that they "have a right ... to be engaged in their child's education."

"They [Mirabelli and West] learned about this policy that was being enforced that would require them to hide material information about their students from the student's parents, and in many cases to lie to the parents," the teachers' attorney, Paul Jonna, told FOX 5. "They just wanted to continue their jobs without having to comply with an illegal and unconstitutional policy."



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That is why they sued.

“When the case was first filed, there was some retaliation and harassment directed at our clients,” Jonna said. Things got so bad that Mirabelli asked to be placed on administrative leave in early May. West was involuntarily placed on administrative leave two weeks later, supposedly because of complaints filed by students. Both teachers have worked at Rincon for years and won awards for their efforts.

“The investigation was supposed to be concluded in 30 days. It ended up taking over five months after the injunction issued,” recalled Jonna. “They told us the investigation was cleared, and then conveniently, the very next day or couple days later, they said, a new complaint had been made against Lorie [sic] and she’s going to be placed on leave again.”

Lodged by a student who had been in West’s class five years earlier, the complaint alleged that West had repeatedly made racist remarks in class. It was patently bogus not just because of how long it took for the student to file it but also because it was the only such complaint about West in her 30-year teaching career.

The timing of the complaint was suspicious for another reason. It was submitted shortly after Benitez issued a [preliminary injunction](#) in the teachers’ favor, writing: “EUSD’s policy of elevating a child’s gender-related choices to that of paramount importance, while excluding a parent from knowing of, or participating in, that kind of choice, is as foreign to federal constitutional and statutory law as it is medically unwise.”

Benitez’ injunction further stated that EUSD had to refrain “from taking any adverse employment actions” against Mirabelli and West. To most people, that would suggest that the teachers be allowed back in the classroom. But not to EUSD: The district stonewalled the teachers’ attempts to negotiate a return to work and even allowed district personnel to organize a protest against them. (So much for not being allowed to express one’s “personal beliefs” regarding transgenderism.)

The frustrated teachers filed a [contempt-of-court motion](#) with Benitez in December. Benitez denied that motion but did order EUSD to let the teachers return to work.

“Judges are typically reluctant to hold parties in contempt,” Jonna said. “It’s a pretty serious penalty, but what he did ... I view it as a warning to them if they violate his orders again, it’s going to be much more serious.”

In his order, Benitez also stated: “Both sides are expected to work in good faith going forward to resolve this matter.”

West — who, according to FOX 5, “says she is excited to get back to work and harbors no ill will towards the school district” — seems likely to abide by Benitez’ directive.

“Maybe they thought they were doing right thing — they think they’re protecting kids and I think I am protecting kids,” she said. “We have a different point of view and that’s OK.”

But EUSD, in thrall to the trans cult, is unlikely to be so magnanimous.



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