

SAGE OAK CHARTER SCHOOL
A California Charter School and Nonprofit Public Benefit Corporation

BOARD RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS

Regarding Compliance with Court Orders in *Mirabelli v. Olson*
and Continued Implementation of Board Policy Student Services 5070-SO

Adopted: _____, 2026

RECITALS

WHEREAS, Sage Oak Charter School (the “School”) is a California charter school and nonprofit public benefit corporation committed to providing a safe, inclusive, and nondiscriminatory educational environment for all students; and

WHEREAS, the School’s Board of Directors (the “Board”) has adopted Board Policy Student Services 5070-SO, “Transgender and Gender Nonconforming Student Nondiscrimination Policy” (“Policy 5070”); and

WHEREAS, on December 22, 2025, the United States District Court for the Southern District of California (“District Court”) entered an Order Granting Plaintiffs’ Motion for a Class-Wide Permanent Injunction in *Mirabelli v. Olson*, Case No. 3:23-cv-0768-BEN-VET (the “Permanent Injunction”); and

WHEREAS, on January 5, 2026, the United States Court of Appeals for the Ninth Circuit granted a stay of the Permanent Injunction pending appeal (the “Ninth Circuit Stay”); and

WHEREAS, on March 2, 2026, the United States Supreme Court issued an opinion in *Mirabelli v. Bonta*, No. 25A810, vacating the Ninth Circuit Stay with respect to the parent and guardian plaintiffs only, while allowing the Ninth Circuit Stay to remain in effect as to the public school employee plaintiffs; and

WHEREAS, on March 3, 2026, the California Department of Education issued a Notice of Court Order advising that, as a result of the three orders, the Permanent Injunction is currently in effect as to the class of parents and guardians certified by the District Court; and

WHEREAS, the class of parents and guardians to whom the Permanent Injunction currently applies is specifically defined as parents and guardians who object to the challenged policies or who seek a religious exemption (the “Injunction Class”), and does not apply to all parents and guardians of California public school students; and

WHEREAS, the Permanent Injunction remains stayed as to the public-school employee plaintiffs, meaning that the employee-related provisions of the Permanent Injunction are not currently in effect; and

WHEREAS, the Board is committed to complying fully with all applicable court orders while continuing to uphold the protections of Policy 5070 to the fullest extent permitted by law; and

WHEREAS, the Board wishes to establish clear interim operational guidance for School staff during the pendency of the Permanent Injunction as it currently applies to the Injunction Class.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Sage Oak Charter School as follows:

1. Continued Implementation of Policy 5070.

The School shall continue to implement Board Policy Student Services 5070, “Transgender and Gender Nonconforming Student Nondiscrimination Policy,” in its entirety, except as otherwise required by the Permanent Injunction in *Mirabelli v. Olson*, as currently in effect.

2. Status of the Permanent Injunction.

The Board acknowledges and directs staff to follow the current status of the court orders as follows:

1. The Permanent Injunction is currently in effect as to the Injunction Class, defined as parents and guardians who object to the challenged policies or who seek a religious exemption.
2. The Permanent Injunction remains stayed as to the public school employee plaintiffs.

3. Interim Operational Exceptions.

Effective immediately and continuing until further notice from this Board or a court of competent jurisdiction, the following exceptions to Policy 5070 shall apply solely with respect to students whose parents or guardians are within the Injunction Class:

- **Parental Access to Information Upon Parental Objection.** Where a parent or guardian has informed the School that they object to the School's policy of not revealing to the parent or guardian information that reveals, implies, or refers to their student's gender identity or expression, the School shall not take any action that could be construed as "misleading" the parent or guardian as to their student's gender presentation at school. Without limiting the foregoing, the School shall not: (a) take any action that could be construed as "lying" to the parent or guardian about their student's gender presentation at school; (b) prevent the parent or guardian from accessing educational records of their student; or (c) use a different set of preferred pronouns or names for the student when speaking with the parent or guardian than is being used at school.
- **Consistency of Name and Pronoun Use.** Where a student's parent or guardian has informed the School that they object to the School's use of a name and/or pronoun that does not match the student's legal name and/or pronoun corresponding to the student's gender assigned at birth, the School shall consistently use only the student's legal name and natal pronoun in all School communications, records, and interactions with both the student and the parent or guardian, irrespective of any request or specification by the student to the contrary.

4. Process for Parental or Guardian Objection

The Superintendent or designee is directed to establish a simple, confidential process by which parents and guardians may communicate an objection as described in Section 3 above. Documentation of any such objection shall be maintained in the student's confidential file and shall be communicated promptly to relevant staff.

5. Staff Training and Guidance

The Superintendent or designee is directed to provide prompt written guidance to all School staff regarding the requirements of this Resolution and the interim exceptions set forth in Section 3 above.

6. Ongoing Legal Compliance.

The Board directs the Superintendent to monitor the status of the litigation in *Mirabelli v. Olson* and to report to the Board promptly upon any material change in the applicable court orders. The Board reserves the right to rescind or amend this Resolution at any time in response to developments in the litigation or further guidance from the California Department of Education or legal counsel.

7. Effective Date.

This Resolution is effective upon adoption by the Board and shall remain in effect until rescinded or amended by the Board to align with applicable law.

THE FOREGOING RESOLUTION was duly adopted by the Board of Directors of Sage Oak Charter School at a duly noticed meeting of the Board held on _____, 2026, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Board Chair, Sage Oak Charter School

Board Secretary, Sage Oak Charter School

Date: _____