

and ; ;  
,

v.

, in his official capacity as  
Superintendent of Cobb

CIVIL ACTION NO.:

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, in his official  
capacity as member of the Cobb County Board  
of Education;  
, in his official  
capacity as member of the Cobb County Board  
of Education;  
, in his official  
capacity as member of the Cobb County Board  
of Education;  
, in her official  
capacity as member of the Cobb County Board  
of Education;  
, in her official  
capacity as member of the Cobb County Board  
of Education; and  
, in  
his official capacity as member of the Cobb  
County Board of Education;  
, in  
his official capacity as an employee of the Cobb  
County School District,

JURY TRIAL DEMANDED

1. Plaintiffs Katherine Rinderle (“Rinderle”) and Tonya Grimmke (“Grimmke”) are experienced and accomplished teachers who served and serve in the Cobb County School District (“CCSD”).

at Due West Elementary School (“Due West”) in CCSD but was placed on administrative leave in March 2023 and then terminated in August 2023, giving rise to this lawsuit.

5 is a teacher who has served in CCSD for the last eighteen years. She earned teacher tenure protections under the Georgia Fair Dismissal Act when she accepted her fourth teaching contract from CCSD. Grimmke currently teaches at Birney Elementary School (“Birney”). Her duties and responsibilities include compliance with all CCSD policies, procedures, and practices.

6. is a non-profit professional association that represents public school educators throughout Georgia, including 1,625 teachers, administrators, and education support professionals who teach and work in CCSD. GAE advocates for strong public schools and the fair treatment of students and staff in public schools. CCSD’s enforcement of its vague censorship policies has resulted in the termination of one GAE member, and at least one member faces a realistic danger of suffering discipline and termination, harming GAE’s members and the organization’s advocacy and interests. GAE has incurred substantial costs as a result of CCSD’s action and diverted resources from other GAE programs to address CCSD’s vague censorship policies. The GAE legal services program operates to protect its members’ employment rights and funds litigation on behalf of members by engaging the services of outside network attorneys. GAE has expended legal services program funds to hire attorneys to represent members working in CCSD. The costs and staff time devoted to these tasks reduced the amount of funds and staff time available for GAE’s work on behalf of other members.

7. is a governmental entity operating the public school system of Cobb County, Georgia, under the control and management of the Cobb County Board of Education 2TD[(to Td(of)T





government entity...including, but not limited to: (A) The right to direct the upbringing and the moral or religious training of his or her minor child.” O.C.G.A. § 20-2-786.

19. In July 2022, following the passage786.

26. A true and correct copy of CCSD's is attached as Exhibit 2.

27. IFAA regulates the selection and use of instructional materials and has two sections. Section I regulates core resources, which are instructional materials and content that constitute the principal source of study in a course. Section II regulates how supplemental learning resources are to be chosen. The book that Rinderle was terminated for reading was a supplemental learning resource.

28. Section II(A)(1) provides that: "Supplementary learning resources are any medium, print or non-print, designed to supplement the core learning resources purchased at the District or local school level. These materials include, but are not limited to, articles, online simulations, worksheets, novels, biographies, speeches, videos, music, and similar resources in any medium, including both physical or digital."

29. Section II(A)(3) states that: "All non-school print and non-print materials utilized in the instructional program by teachers, students, and guest presenters shall be supportive of the adopted curriculum for the course being taught and appropriate for the targeted audience. It is the responsibility of the teacher to preview non-school materials prior to use and to inquire of a guest presenter information regarding his/her objectives and the contents of his/her presentation prior to the presentation."

30. Section II(B)(2)(b) states: "Content that advocates for divisive concepts shall be prohibited" and lists by way of definition the "concepts" and "views" that are regulated as "divisive concepts" under O.C.G.A. § 20-1-11, which only include topics related to race.

31. Section II(B)(10) states: "Topics of a sensitive nature (i.e., social, political, religious) should be given a balanced treatment, with both pros and cons represented."

32. Section II(C) states:

1. Preview: Teachers are responsible for completely previewing all supplemental materials (regardless of their source) before using them for whole-class instruction.
2. Permission: The Teacher, Principal or designee of a school may require written permission (Form IFAA-1[Parent/Guardian Permission Form for Supplementary Materials]) of parents/guardians prior to the reading/viewing of supplementary materials if in his/her opinion the content may be of a sensitive nature within the school's community or the age group served by the school.

33. Section II(D) states: "Professional discretion of the Principal or designee and staff must be used in the use of supplementary materials which might include topics of a sensitive nature as perceived by the community served. Parents/guardians of a student always have the option of requesting alternative assignments."

34. IFAA does not define "sensitive," or "balanced treatment," explain how educators must determine whether "content may be of a sensitive nature within the school's community or the age group served





43. CCSD denied Plaintiffs fair notice that recognizing or discussing gender identity,

51. Rinderle constructed her Target lessons to promote curiosity, divergent thinking, and critical thinking (0.0084).

57. [redacted] was not a Core Learning Resource because it was a non-school print material purchased independently by Rinderle; therefore, the book was not subject to the requirements of the IFAA for such materials. Instead, Rinderle included the book as one of many in her classroom library.

58. [redacted] contains characters who are gender conforming as well as one character who is gender nonconforming.

59. To the extent [redacted] “advocated” anything, it is acceptance of differences in others and self-acceptance.

60. On March 8, 2023, about a month after purchasing [redacted] at the Due West Scholastic Book Fair Rinderle allowed her students to select a picture book for a “community read aloud,” which was Rinderle’s morning meeting with her students, intended to build community in the classroom and help students understand each other and themselves.

61. Rinderle’s use of “community read aloud” activities promoted CCSD’s Gifted Standard G5 – Relationships & Connections, and Standard G9 - Respect for Others. Under Standard G9, Rinderle’s “community read aloud” modeled how





## CCSD ENFORCES THE CENSORSHIP POLICIES A

83. At least two Black parents emailed Principal Kale about the reading of \_\_\_\_\_ in Rinderle’s class, expressing support for Rinderle and the book’s subject matter. CCSD did not interview the Black parents or their Black children. Nor did CCSD administrators meaningfully respond to the Black parents’ emails.

84. Upon information and belief, these Black parents and their Black children supported reading the book because of its theme of acceptance of differences and of self.

85. At several investigative meetings, CCSD investigators and administrators claimed that any references to gender nonconformity or LGBTQ topics in class would be considered “divisive” or “controversial,” and the introduction of those topics into a classroom discussion violated CCSD’s Censorship Policies.

86. Rinderle openly disagreed with CCSD’s post-hoc interpretation and unanticipated enforcement of the vague Censorship Policies, including CCSD’s position that the existence of LGBTQ people and families, or LGBTQ topics, are per se “divisive,” “controversial,” “sensitive,” or prohibited from classroom discussions.

87. Rinderle told CCSD investigators and administration that she bought the book at a school book fair because she believed it would benefit certain students in her class and was representative of student experiences.

88. At one investigative meeting, Principal Kale described her initial conversation with Rinderle, identified the concerns that Rinderle had shared with Kale prior to the investigation, and stated her understanding as to why Rinderle read the book: “[Y]ou mentioned the three students – that could identify with the topics in the book . . . . Then you mentioned, like, that there’s kids in the hall saying things about other people, you know, sometimes and you wanted – you were bringing people together. You said you heard people say things in the hallway in passing or a child . . .” Kale also communicated that she understood that Rinderle read the book because students in her class were struggling with understanding gender identity.



89. In the investigation, Rinderle also shared that she witnessed Due West students engaged in anti-LGBTQ bullying. And Rinderle raised concerns to parents and the school's administration about the anti-LGBTQ bullying which were not addressed.

95. On May 5, 2023, CCSD notified Rinderle of its decision to recommend her termination to the Board. CCSD did not impose a less severe form of discipline prior to recommending termination. By way of information and belief, CCSD has not previously recommended an unblemished educator's termination for the content of a single book read aloud in school. Nor has CCSD previously recommended that any educator be terminated for reading a book aloud that featured children in gender conforming roles.

96. Despite knowing that Rinderle's only alleged infraction consisted of reading a book about inclusion and acceptance of chMCID 1 0 Td[(a)-4.5 (10.2 (g a)3.6 ( bjEMC Tc 0 Tw 2.222 0 Td( )Tj-0g (a)3.5 (c)12.1 (t3j96D-5.128 -2

99. Rinderle continued to publicly oppose the Board’s openly hostile position towards the LGBTQ community, as well as CCSD’s interpretation, application, and enforcement of its vague Censorship Policies, which she reasonably and in good faith understood to be a violation of Title IX.

100. In news media, Rinderle defended reading \_\_\_\_\_ as an essential teaching opportunity about inclusion and acceptance of differences consistent with the Georgia and CCSD gifted curriculum and standards. Rinderle’s actions and public statements were grounded in a good faith, reasonable belief that CCSD’s knowledge of and deliberate indifference towards the hostile educational environment for LGBTQ and gender nonconforming students violated Title IX. She also had a good faith, reasonable belief that CCSD’s interpretation, application, and enforcement of its Censorship Policies were discriminatory under Title IX, and she publicly communicated her opposition through media interviews.

101. On June 22, 2023, Rinderle publicly stated her belief that “[w]hat happened to me is not just about me.” According to Rinderle, “[i]t’s jhw 0.222 0 Td[(2020 Tc 0sTw 1.282 0 Td( )Tj-0.004 Tc 0.004 Tw 0.222 0 Td[(j)0.5 (8-0.004r3( 0.

indifference towards the hostile educational environment for LGBTQ and gender nonconforming students, and of her belief that CCSD's actions violated students' rights under Title IX.

104. Rather than remain silent on an employment matter, CCSD made several false public comments attacking Rinderle's employment history and performance before her termination hearing. The Board and CCSD representatives repeatedly stated that Rinderle had a history of poor performance. Those statements were untrue. Rinderle had received unblemished and exemplary performance evaluations for ten consecutive years.

105. Rinderle exercised her right to challenge CCSD's recommendation to terminate her employment contract, and a hearing was scheduled under Georgia's Fair Dismissal Act.

106. Under the Fair Dismissal Act, the Board has final policymaking authority over matters of employment of CCSD teachers. As provided in the Fair Dismissal Act, the Board designated a three-member tribunal panel ("Tribunal") to submit findings and recommendations to the Board. A two-day hearing occurred on August 10-11, 2023.

107. The Tribunal deliberated and rejected Defendant Ragsdale's recommendation that CCSD terminate Rinderle. By way of explanation for its determination, the Tribunal handwrote its acceptance and rejection of CCSD's proposed "Findings of Fact and Recommendations to the Cobb County Board of Education."

108. The Tribunal found that CCSD should not terminate Rinderle's employment contract for reading and expressly rejected much of CCSD's evidence and contentions.

109. On August 17, 2023, the Board met to consider the Tribunal's recommendation and take official action. The Board allowed public comment, and several spoke in support of Rinderle, including CCSD educators, students, community members, parents, and caregivers. They reiterated that there are LGBTQ and gender nonconforming students at Due West and throughout CCSD, that anti-LGBTQ bias is prevalent in CCSD, and that CCSD should not tolerate it.

110. Cobb County resident

117. Rinderle appealed her termination to the Georgia State Board of Education, which is currently considering her appeal.

CCSD HAS A HISTORY OF HOSTILITY TO THE LGBTQ COMMUNITY

118. With approximately 107,000 students, CCSD is Georgia's second-largest school district and one of the largest school districts in the United States.

119. CCSD has a substantial and vibrant community of students, families, teachers, and staff, which is broadly diverse, including many who are members of and advocates for the LGBTQ community. Slightly over one-third of CCSD students are white, slightly under one-third are Black, one-fourth are Hispanic/Latine, and just under five percent identify as multiracial. Nationwide, approximately nine percent of students are estimated to be LGBTQ,



129. Rinderle observed Due West students excluding and bullying students who identified or were perceived as LGBTQ.

130. Rinderle observed Due West administration's lack of awareness of and support for LGBTQ and gender nonconforming students.

131. Rinderle observed parents of students in the Due West community condoning their childrens' anti-LGBTQ conduct while at school.

132. During the 2021-2022 school year, Rinderle taught at least one fourth-grade student whose gender expression and/or gender identity was incongruent with her sex assigned at birth (J. Doe). Rinderle knew this student prior to her transition from traditionally masculine gender expression to traditionally feminine gender expression.

133. During J. Doe's transition, Rinderle witnessed an outgoing, funny, and intelligent student who easily made friends become increasingly socially isolated and experience negative interactions from her peers.

134. From 2020 to 2023, Due West administration was aware of and deliberately indifferent to known anti-LGBTQ actions and failed to take necessary and appropriate steps to eliminate anti-LGBTQ hostility at the school. Moreover, the Due West administration's actions increased the likelihood of anti-LGBTQ hostility.

COUNT ONE: VAGUENESS





144. Defendants' Censorship Policies are unconstitutionally vague as applied to Rinderle. Defendants failed, and continue to fail, to provide fair notice, invite arbitrary and discriminatory enforcement, and produce uncertainty about what speech and conduct is prohibited.

145. Rinderle had no notice or fair warning about the meaning of "controversial," "sensitive," or "divisive." Rinderle had no fair notice that a book about acceptance of different identities and gender nonconformity, purchased at her school-sponsored book fair, violated CCSD's Censorship Policies.

146. Defendants' Censorship P~~4~~oard





164. Under the Equal Protection Clause, government classifications based on sex are presumptively unconstitutional and subject to heightened scrutiny.

165. Government action that discriminates on the basis of sex must be substantially related to a sufficiently important government interest. That interest must be genuine, neither hypothesized, invented in response to litigation, nor grounded in fixed notions concerning the roles of males and females.

166. All people, regardless of gender identity, are









and CCSD's decisionmaking administrators had the authority to reinstate Rinderle and/or otherwise follow

otherwise enforcing these policies against Plaintiffs to prohibit “divisive,” “controversial,” and “sensitive” topics in a vague and arbitrary manner that deprives them of due process and fair warning of prohibited conduct;

d. Issue preliminary and permanent injunctive relief restraining Defendants, their employees, agents, and successors in office from enforcing Sections II(A)(3), II(B)(2)(a), II(B)(10), II(C)(2), and II(D) of IFAA against Plaintiffs and otherwise enforcing this policy to prohibit “divisive,” “controversial,” and “sensitive” topics in a vague and arbitrary manner that deprives them of due process and fair notice of prohibited conduct;

e. Issue preliminary and permanent injunctive relief restoring Plaintiff Rinderle’s employment and modifying her employment records to remove any record of discipline“m4c -0.004 Tw 0.256 0 Td[(in)8.3 (j)8.5 Tw 2.385a

i. Award Plaintiff Rinderle reinstatement of her former CCSD teaching position and remove any record of discipline and misconduct in relation to her alleged violation of the Censorship Policies;

j. Award Plaintiffs' costs of suit and reasonable attorneys' fees and other expenses under 42 U.S.C. 1988 and other applicable law; and

k. Award all other relief that this Court deems just and proper.

Dated this 13<sup>th</sup> day of February, 2024.

/s/