

No. 25-1189

In the Supreme Court of the United States

ROCKLIN UNIFIED SCHOOL DISTRICT,
Petitioner,

v.

PUBLIC EMPLOYMENT RELATIONS BOARD; ROCKLIN
TEACHERS PROFESSIONAL ASSOCIATION,
Respondents.

*On Petition for Writ of Certiorari to the
Court of Appeal of California,
Third Appellate District*

**BRIEF OF THE MANHATTAN INSTITUTE
AS *AMICUS CURIAE*
SUPPORTING PETITIONER**

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QUESTIONS PRESENTED

1. Whether a state labor board's ruling invalidating a school district policy requiring parental notification when a student seeks to socially transition his or her gender violates parents' Fourteenth Amendment right to direct the upbringing and care of their children.
2. Whether California's system of permitting a state labor board to adjudicate disputes affecting constitutional rights, subject only to discretionary and highly deferential judicial review, satisfies procedural due process.
3. Whether a state labor board exceeds its jurisdiction by assessing the legality of a school board policy requiring that parents be notified when a student attempts to socially transition their gender.

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INTEREST OF *AMICUS CURIAE*¹

The Manhattan Institute (MI) is a nonprofit public policy research foundation whose mission is to develop and disseminate new ideas that foster greater economic choice and individual responsibility. It has sponsored scholarship and filed briefs opposing regulations that interfere with constitutional liberties.

MI files this brief because this case sits at the intersection of two important areas of its work: the constitutional role of parents in directing the health and welfare of their children, and the impact of public-sector unions. MI believes that decisions about children's well-being should be made by parents and supported by policies adopted by democratically accountable school boards—not displaced by public-sector collective-bargaining proceedings before a state labor board.

SUMMARY OF ARGUMENT

This case concerns whether a teachers' union may use public-sector collective bargaining to nullify an elected school board's policy protecting parents' ability to guide consequential decisions regarding their children's health and well-being. If not corrected by this Court, the decisions below would leave children vulnerable to the risks of school-facilitated social transition without parental notice, impair parents' constitutional rights, and open the door for teachers' unions to recast political objections to school-board policies as labor disputes subject to an administrative veto.

¹ Rule 37 statement: All parties were timely notified of the filing of this brief. No party's counsel authored this brief in whole or in part, and no person or entity other than amicus or its counsel made a monetary contribution to its preparation or submission.

Decades of research have consistently shown that most children with gender dysphoria and most clinically referred children with gender-variant behavior come to terms with their natal sex (“desist”) by adulthood. Minors who are socially transitioned, however, are more likely to persist in their cross-gender feelings and, in time, seek medical interventions in the form of puberty blockers, cross-sex hormones, and surgeries. These interventions carry known and anticipated risks, including lifelong sterility, sexual dysfunction, mood disorders, and increased risk for cancer and heart disease. *See, e.g., United States v. Skrametti*, 605 U.S. 495, 534–35 (2025) (Thomas, J., concurring).

These risks make parental notice indispensable. A school-board policy governing whether parents receive notice that their child has requested gender-related accommodations lies at the heart of the school-parent relationship. It concerns whether parents will have the information necessary to guide decisions affecting their child’s mental health.

The California Public Employment Relations Board’s (PERB) decision, as effectively ratified by the California courts, alters the legal structure governing public education. It permits a teachers’ union to transform disagreement with an elected board’s education policy into an unfair practice charge.

Public-sector collective bargaining does not give teachers’ unions authority to override parents’ constitutional rights or supplant essential matters of school-board governance. Teachers’ unions are already powerful political actors in public education, including in school-board elections. PERB’s decision magnifies that power by allowing unions to recast political objections to school-board policy as collective-bargaining

disputes, giving them a second route to obtain through administrative proceedings what they do not secure at the ballot box. That result is especially troubling where, as here, the displaced policy protected parents' constitutionally protected right to receive notice of consequential decisions affecting their children's health.

If the decision below is allowed to stand, countless school-board decisions would become effectively contingent on union approval. Public-sector labor law cannot give teachers' unions an administrative veto over policies adopted by elected boards to protect parents' fundamental rights.

ARGUMENT

I. SOCIAL TRANSITION IS A MENTAL-HEALTH INTERVENTION FOR CHILDREN WHO WOULD OTHERWISE LIKELY DESIST IN THEIR ADOPTED GENDER IDENTITY BEFORE ADULTHOOD

“Social transition” refers to the use of youths' preferred names and pronouns, access to sex-specific accommodations, and, in some cases, practices such as breast-binding and genital-tucking. Healthcare authorities have recognized social transition as an active psychological intervention. Research suggests that the vast majority of gender-dysphoric children will naturally “desist,” growing to feel comfortable with their natal sex. But social transition risks inhibiting this ordinary development, solidifying an otherwise passing phase of identity discordance past adolescence, and raising the potential for unnecessary medicalization.

In other words, social transition may encourage feelings of gender-related discordance to continue far longer than they would without it. Those who facilitate

such transitions take part in a psychological intervention with potentially serious long-term ramifications.

In 2025, HHS comprehensively examined two systematic reviews evaluating the impact of social transition, concluding, “The results suggest that the impact of social transition on long-term gender dysphoria, psychological outcomes and well-being, and future treatment decisions such as hormones or surgeries remains poorly understood. Evidence on regret associated with social transition is extremely limited. The certainty of evidence for these outcomes is very low.” U.S. Dep’t Health & Hum. Servs., *Treatment for Pediatric Gender Dysphoria: Review of Evidence and Best Practices* 89 (2025).

A. Research Suggests That Social Transition Is a Psychological Intervention with Potential Medical Implications for Children and Adolescents

The risks of early social transition were acknowledged by the Dutch clinicians who pioneered pediatric gender transition. Specifically, they recognized the potential for full social transition to lock in what would otherwise prove to be a temporary phase of identity exploration or confusion. Annelou L. C. de Vries & Peggy T. Cohen-Kettenis, *Clinical Management of Gender Dysphoria in Children and Adolescents: The Dutch Approach*, 59 *J. Homosexuality* 301, 320 (2012).

Indeed, the Dutch clinicians envisioned social transition and pharmacological puberty suppression as two components of a prolonged *diagnostic* phase in which an adolescent’s identity can continue to be explored. Of note, parents were to be part of this process, consulted throughout for their insights into the patient’s

development. Peggy T. Cohen-Kettenis et al., *The Treatment of Adolescent Transsexuals: Changing Insights*, 5 J. Sexual Med. 1892, 1893 (2008).

The Dutch researchers' cautious approach to social transition and their warnings about its risks are buttressed by decades of research finding that most children with gender identity issues come to terms with their natal sex, typically during adolescence. Those studies found desistence rates of between 61 and 100 percent, with specific percentages as follows in chronological order of publication: 75; 87.5; 100; 95.5; 90; 98; 87.5; 61; 88; 63; 87.7. James M. Cantor, *Transgender and Gender Diverse Children and Adolescents: Fact-Checking of AAP Policy*, 46 J. Sex & Marital Therapy 307, 313 (2019) (collecting 11 studies from 1972 to 2019).

Of note, the studies found not only that most gender-dysphoric children eventually desist, but that a majority of natal males (63–100 percent) and a substantial minority of natal females (32–50 percent) who desisted later turned out to be gay or lesbian, not transgender. *Id.* Cross-gender feelings and behaviors in children are thus thought to be more predictive of later same-sex attraction than of lifelong gender dysphoria and trans identity. Early social transition may hinder healthy development of gender-nonconforming homosexual children. *See also* Michael Biggs, *The Dutch Protocol for Juvenile Transsexuals: Origins and Evidence*, 49 J. Sex & Marital Therapy 348, 352 (2022).

American medical groups have acknowledged the high rates of desistance among gender-dysphoric children. The American Psychiatric Association observed in a 2012 literature review that “only a minority” of those diagnosed with childhood gender identity disorder “will identify as transsexual or transgender in

adulthood (a phenomenon termed *persistence*), while the majority will become comfortable with their natal gender over time (a phenomenon termed *desistence*)." William Byne et al., *Report of the APA Task Force on Treatment of Gender Identity Disorder* 4 (2012). That same year, the American Academy of Child and Adolescent Psychiatry acknowledged "longitudinal evidence that gender discordance persists in only a small minority of untreated cases arising in childhood," and warned that "further research is needed on predictors of persistence and desistence of childhood gender discordance as well as the long-term risks and benefits of intervention before any treatment to eliminate gender discordance can be endorsed." Steward L. Adelson et al., *Practice Parameter on Gay, Lesbian, or Bisexual Sexual Orientation, Gender Nonconformity, and Gender Discordance in Children and Adolescents*, 51 *J. Am. Acad. Child & Adolescent Psych.* 957, 968 (2012).

The Endocrine Society cautions that children who have socially transitioned "may have great difficulty in returning to the original gender role upon entering puberty," and that social transition "has been found to contribute to the likelihood of persistence." Wylie C. Hembree et al., *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline*, 102 *J. Clinical Endocrinology & Metabolism* 3869, 3879 (2017).

B. U.S. Medical Groups That Advise Transition in Minors Are Out of Step with a Growing International Consensus

The American Academy of Pediatrics has called for automatic gender affirmation (social transition) of minors, regardless of age, since 2018. Jason Rafferty et al., *Ensuring Comprehensive Care and Support for*

Transgender and Gender-Diverse Children and Adolescents, 142 *Pediatrics* 1, 5–7 (2018). The AAP analysis has been subject to thorough criticism for its inaccuracies and misrepresentations, see Cantor, *supra*, at 313; Kathleen McDeavitt, *Citation Issues in the American Academy of Pediatrics Policy Statement on Transgender and Gender-Diverse Children and Adolescents* (Rafferty, 2018), 54 *Archives Sexual Behav.* 1297, 1300–02 (2025), and contrasts sharply with medical authorities abroad. Even leading members of the World Professional Association for Transgender Health (WPATH) have admitted that the AAP’s statement has “a very weak methodology.” Appendix A to Supp. Expert Report of James Cantor, Ph.D., at iv, *Boe v. Marshall*, No. 2:22-cv-00184-LCB-CWB (M.D. Ala. June 24, 2024) (quoting internal email).

The Cass Review, a comprehensive report on youth gender transition commissioned by the U.K.’s National Health Service and released in 2024, undertook a systematic review of the evidence for mental health outcomes of social transition in minors and found an “absence of robust evidence of the benefits or harms of social transition for children and adolescents.” Ruth Hall et al., *Impact of Social Transition in Relation to Gender for Children and Adolescents: A Systematic Review*, *Archives Disease Childhood* 1 (2024). The Cass Review emphasized that social transition should be viewed as an “active intervention because it may have significant effects on the child or young person in terms of their psychological functioning and longer-term outcomes.” Hilary Cass, *The Cass Review Independent Review of Gender Identity Services for Children and Young People: Final Report* 158 (2024).

For young children in particular, full social transition may lock in a temporary phase of identity confusion, making persistence and medicalization more likely. “Clinical involvement in the decision-making process should include advising on the risks and benefits of social transition as a planned intervention, referencing best available evidence. This is not a role that can be taken by staff without appropriate clinical training.” *Id.* at 164. And crucially, for both children and adolescents, “Outcomes for children and adolescents are best if they are in a supportive relationship with their family. For this reason parents should be actively involved in decision making unless there are strong grounds to believe that this may put the child or young person at risk.” *Id.*

The U.S.-based WPATH recognized that “[t]he current evidence base is insufficient to predict the long-term outcomes of completing a gender role transition,” and that the desire for social transition “may reflect an expression of their gender identity” but it could also “be motivated by other forces.” Because “[a] change back to the original gender role can be highly distressing,” parents should rely on “[m]ental health professionals” to help them “make decisions regarding the timing and process of any gender role changes for their young children.” Eli Coleman et al., *Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People, Version 7*, 13 Int’l J. Transgenderism 165, 176 (2012).

WPATH’s Version 8 recommends social transition for children but only “when it would be beneficial.” Eli Coleman et al., *Standards of Care for the Health of Transgender and Gender Diverse People, Version 8*, 23 Int’l J. Transgender Health S1, S76 (Suppl. 1) (2022).

Who determines that? According to WPATH, “health care professionals [should] discuss the potential benefits and risks of a social transition with families who are considering it.” *Id.* at S69, S77. WPATH’s Version 8 recommendations are not based on systematic reviews of evidence and discuss only the benefits of social transition, yet they emphasize the need for clinical consultation.

In sum, social transition is not a neutral act but an active psychological intervention that can lock in a temporary phase of identity development, leading to unnecessary medicalization and iatrogenic harm. Facilitating social transition without parental notice carries potentially serious ramifications for the well-being of children and adolescents.

II. PUBLIC-SECTOR COLLECTIVE BARGAINING DOES NOT GIVE TEACHERS’ UNIONS AUTHORITY OVER PARENTS’ FUNDAMENTAL CONSTITUTIONAL RIGHTS

In light of the known and anticipated risks of social transition and well-established constitutional protections for parental rights, the Rocklin Unified School District (RUSD) Board of Trustees adopted Administrative Regulations 5020 and 5145.3. Pet. App. 16a–19a. Unlike preexisting policies, these regulations ensured that parents of enrolled students would receive prompt notice if their child requested gender-related accommodations, including identification by a different gender, name, pronouns, or access to bathroom facilities inconsistent with the child’s biological sex. *Id.*

Despite the sound evidentiary and legal basis for these regulations, the Rocklin Teachers Professional Association (RTPA) filed an unfair practice charge

against RUSD with PERB, alleging that RUSD failed to bargain before adopting regulations that changed represented employees' job duties. *Id.* at 19a–21a.

PERB agreed with the union that adopting the regulations constituted an unfair practice. *Id.* Both the California Court of Appeal and the California Supreme Court summarily denied review of PERB's decision. *Id.* at 1a–2a. As a result, this Court is the only remaining judicial recourse available to RUSD and other California school boards that face the same risk of practical nullification absent this Court's review.

A. PERB's Decision Gives Politically Powerful Teachers' Unions a Second Route to Control School Policy

Teachers' unions are already among the most powerful political actors in public education. Public unions' spending on political activities often dwarfs that on representational activities. *See, e.g.*, David Osborne, *The Battle for Worker Freedom: How Government Unions Fund Politics Across the Country* 3, 7 (Commonwealth Found. 2025) (showing that, in 2023 and 2024, the four largest government unions “paid out nearly \$650 million in membership dues money—more than what these unions collectively spent on representational activities—on union officials' political and ideological agendas”). Teachers' unions use their members' dues to elect the public officials who sit across the bargaining table and decide school policy.

Empirical research by Boston College professor and Manhattan Institute senior fellow Michael Hartney demonstrates that teachers' unions remain the dominant organized force in school-board elections. Michael T. Hartney, *Still the Ones to Beat: Teachers' Unions*

and School Board Elections 1 (Manhattan Inst. 2022). In a study of nearly 5,000 union endorsements across California, Florida, and New York, Hartney found that union-endorsed candidates won competitive school-board races in 71 percent of elections in California, 64 percent in Florida, and 80 percent in New York. *Id.* at 7. The districts in Hartney’s sample educated roughly 90 percent of public-school students in California. *Id.* Union support “matters far more in school board elections” than even the incumbency advantage. *Id.* at 8.

This Court has recognized that public-sector collective bargaining often involves political advocacy on matters of public concern. Unions “can also speak out in collective bargaining on controversial subjects such as climate change, the Confederacy, sexual orientation and gender identity, evolution, and minority religions.” *Janus v. Am. Fed’n of State, Cty., & Mun. Emps.*, 585 U.S. 878, 913–14 (2018) (cleaned up). PERB’s ruling amplifies that feature of public-sector bargaining. It allows teachers’ unions to recast political objections as collective-bargaining disputes, transforming labor law into a vehicle for administrative nullification of school-board policies.

Voters can use the ballot box to oust school-board members. They cannot hold public-sector unions accountable in the same way. A policy adopted in public by elected RUSD trustees was rescinded through a labor proceeding initiated by a union whose institutional interests diverge from those of parents, taxpayers, and the broader electorate.

PERB’s decision bolsters unions’ political power by allowing them to leverage their exclusive bargaining authority, effectively granting them two chances to secure their preferred policies. If their endorsed

candidates fail at the ballot box, unions can nonetheless obtain through PERB what they could not through ordinary democratic means. Here, RTPA leveraged its unique bargaining authority to obtain administrative nullification of regulations enacted by elected trustees.

B. Collective Bargaining Cannot Intrude on Schools' Core Mission, Which Includes Caring for Students' Well-Being

Among PERB's errors in reasoning was its overly narrow understanding of what kinds of policies are properly excluded from collective-bargaining negotiations because they intrude on school districts' managerial authority. PERB reasoned that RUSD's parental-notification policy "relates to a matter that hardly lies at the core educational mission of a school district," Pet. App. 41a, which echoed language from longstanding PERB precedent that excludes from collective bargaining only matters "essential to the achievement of the District's mission." *Anaheim Union High Sch. Dist.*, PERB Decision No. 177, at 4–5 (1991). This framing is wrong for at least two reasons.

First, as discussed above, social transition is not a neutral accommodation but an active psychological intervention. It carries serious health and developmental consequences, including the risk of reinforcing otherwise transient gender distress and placing children on a pathway toward unnecessary medicalization. A policy ensuring that parents receive prompt notice about consequential decisions affecting their child's health lies at the heart of the school-parent relationship and RUSD's educational mission.

Given that centrality, PERB erred by treating the parental-notification policy as an ordinary workplace

rule subject to bargaining. Even if implementation requires some action by teachers or counselors, bargaining over the decision itself would significantly abridge the elected Board's core authority to define the school-parent relationship and adopt policies to protect student health.

Second, PERB's approach lacks a clear limiting principle. Parent-teacher communication is indispensable to the ordinary operation of public schools. Many school-board policies require that teachers act in some way. If a policy requiring teachers to communicate certain information to parents is enough to trigger mandatory bargaining, then countless board policies that teachers implement—from the conveyance of field-trip permission slips to the design of spirit week—become effectively contingent on union approval.

To take just one recent (and ongoing) salient example, states and school boards across the nation have adopted policies restricting smartphones in public schools. California enacted the Phone-Free School Act in 2024, requiring districts to adopt policies that restrict or ban their use. Cal. Educ. Code § 48901.7(a) (West 2025). Policies that require teachers to collect phones at the start of class impose at least as much practical effect on teacher job duties as the parental-notification policy here. Ensuring an orderly and distraction-free learning environment is likewise essential to school districts' educational missions. Whether under PERB's *Anaheim* framework or as a matter of general principle, that core managerial prerogative should not become subject to a union veto merely because teachers help implement it.

Allowing RTPA's effective veto to stand would defy both common sense and the law. It would replace

RUSD's authority with RTPA's, elevating public-sector collective bargaining over elected governance and making democratic accountability illusory.

This union intervention is particularly egregious here, given that parents have a well-established constitutional right to direct the upbringing, health, and education of their children. For over a century, this Court has been clear and consistent in stressing that parents or legal guardians are the ones best positioned to understand and address the needs of children and adolescents. *See, e.g., Troxel v. Granville*, 530 U.S. 57, 66–69 (2000). The Court has likewise recognized that, absent extraordinary circumstances, parents have the right to determine their children's healthcare. *See Parham v. J.R.*, 442 U.S. 584, 604 (1979) (noting the “substantial, if not the dominant, role” parents have in healthcare decision-making).

That right prevails even when school or union officials dislike or disagree with fit parents' decisions. This Court has consistently protected the “cardinal” principle “that the custody, care and nurture of the child reside first in the parents” and “respected the private realm of family life which the state cannot enter.” *Prince v. Massachusetts*, 321 U.S. 158, 166 (1943).

CONCLUSION

Without the Court's intervention, California school districts will have no meaningful judicial recourse when PERB allows unions to recast disputes over parental rights and educational policy as disputes over working conditions. Public-sector labor law should not be exploited to give an organized interest group an effective veto over policies adopted by elected school

boards, especially where those policies protect parents' constitutional rights.

For the foregoing reasons, and those stated in the petition, the Court should grant certiorari.

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