No. ______

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 California Supreme Court

PETITION FOR A WRIT OF CERTIORARI

Jeffrey M. Schwab
Counsel of Record
Kathryn Cosgrove
James McQuaid
Liberty Justice Center
7500 Rialto Blvd.
Ste. 1-250
Austin, Texas 78735
512-481-4400
jschwab@ljc.org

Emily Rae
California Justice Center
18002 Irvine Blvd.
Ste. 108
Tustin, California 92780
949-237-2573
emily@calpolicycenter.org

April 14, 2026

Counsel for Petitioner

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 their 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.

PARTIES TO THE PROCEEDINGS AND RULE 29.6 STATEMENT

Petitioner is Rocklin Unified School District (appellant in the court below).

Respondents are the Public Employment Relations Board (appellee in the court below) and Rocklin Teachers Professional Association (real party in interest in the court below).

Petitioner is a public school district and has no parent corporation and no publicly held company owns 10% or more of its stock.

TABLE OF CONTENTS

Page

QUESTIONS PRESENTED i

PARTIES TO THE PROCEEDINGS AND RULE 29.6 STATEMENT ii

TABLE OF AUTHORITIES v

DECISIONS BELOW 1

JURISDICTION 1

STATUTES INVOLVED 2

STATEMENT OF THE CASE 2

I. RUSD Adopts the Parental Notification Policy 3

II. The Unfair Practice Charge 3

III. Additional Relevant Developments in California Policy. 4

IV. Procedural History 5

REASONS FOR GRANTING THE PETITION 7

I. PERB's decision infringes on fundamental parental rights protected by the Fourteenth Amendment 8

II. PERB's proceedings—and the deference given by the California appellate courts to its findings—violate procedural due process under the Fourteenth Amendment. 10

III. PERB lacked the jurisdiction to assess the legality of the Parental Notification Policy because it is outside the scope of

bargaining and because PERB cannot rule on constitutional issues. 13

A. The subject matter of the Policy is outside the scope of bargaining. 13

B. PERB lacks authority to rule on constitutional issues. 15

CONCLUSION 17

TABLE OF AUTHORITIES

Page(s)

Cases

Axon Enter. v. FTC,
598 U.S. 175 (2023).. 11, 16

Barke v. Banks,
25 F.4th 714 (9th Cir. 2022)................................ 14

Boling v. PERB,
5 Cal. 5th 898 (2018).. 11

California v. United States Dep't of Educ.,
No. 26-cv-01259-WHO,
2026 U.S. Dist. LEXIS 31718
(N.D. Cal., Feb. 11, 2026)...................................... 8

Keates v. Koile,
883 F. 3d 1228 (9th Cir. 2018)............................... 9

Mann v. Cty. of San Diego,
907 F.3d 1154 (9th Cir. 2018)................................ 9

Matthews v. Eldridge,
424 U.S. 319 (1976).. 11

Meyer v. Nebraska,
262 U.S. 390 (1923).. 9

Mirabelli v. Bonta,
607 U.S. _____,
2026 U.S. LEXIS 1192 (2026).................... 6, 7, 8, 9

Mirabelli v. Olson,
761 F. Supp.3d 1317 (S.D. Cal. Jan. 7, 2025)....... 9

Murray's Lessee v. Hoboken Land & Improvement Co.,
59 U.S. 272 (1855).. 16

Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.,
145 S. Ct. 14 (2024) 10

Parham v. J.R.,
442 U.S. 584 (1979) 6, 9

Pierce v. Soc'y of Sisters,
268 U.S. 510 (1925) 9

Reed v. Goertz,
598 U.S. 230 (2023) 13

SEC v. Jarkesy,
603 U.S. 109 (2024) 12, 16

Troxel v. Granville,
530 U.S. 57 (2000) 6, 9

Statutes

Cal. Gov. Code § 3540 .... 11, 14

Rules

Cal. R. Ct. 8.728 11

Other Authorities

Anaheim Union High Sch. Dist.,
PERB Decision No. 177 (1991) 14, 15

Lake Elsinore Unified Sch. Dist.,
PERB Decision No. 2548 (2018) 14

Los Angeles Unified Sch. Dist.,
PERB Decision No. 835 (1990) 15

Monterey Peninsula Unified Sch. Dist.,
PERB Decision No. 2381-E (2014) 15

San Bernardino Cmty. Coll. Dist.,
PERB Decision No. 2599 (2018) 14

State of California (Dep't of Consumer Affairs),
PERB Decision No. 1762-S (2005)....................... 15

DECISIONS BELOW

The minute order of the Supreme Court of California is available in that Court's Minutes for January 14, 2026[1] and 2026 Cal. LEXIS 119. The excerpt of those Minutes pertaining to this case is reproduced at App. 1a. The opinion of the California Court of Appeal, and the decision of PERB are reproduced in the appendix (App. 2a and App. 3a, respectively).

JURISDICTION

The Public Employment Relations Board ("PERB") asserted jurisdiction over this case because it concerns an Unfair Practice Claim under Cal. Gov. Code § 3541.5.

The California Court of Appeal had jurisdiction to hear the appeal of a PERB decision under Cal. Gov. Code § 3542 and Rule 8.728 of the California Rules of Court. The Court of Appeal affirmed PERB's decision in a one-sentence order on October 31, 2025.

The Rocklin Unified School District ("RUSD" or "the District") petitioned the Supreme Court of California for review under California Rule of Court 8.500. The petition for review was denied on January 14, 2026.

This Court has jurisdiction to review final decisions of a state supreme court where a) the validity of

---

[1] Available at https://supreme.courts.ca.gov/sites/default/files/supremecourt/default/documents/m01142026%28w%29.pdf

a statute of any State is drawn in question on the ground of its being repugnant to the Constitution or laws of the United States, and/or b) where any right is claimed under the Constitution or statutes of the United States. 28 U.S.C. § 1257.

This petition is timely filed within 90 days of the denial of discretionary review. *See* Sup. Ct. R. 13.1.

STATUTES INVOLVED

U.S. Const. amend. XIV, §1, provides, in relevant part, "No state shall . . . deprive any person of life, liberty, or property, without due process of law . . . ."

STATEMENT OF THE CASE

This case is about whether a state scheme allowing its labor relations board to determine matters of federal constitutional importance—without review by a court of competent jurisdiction—violates the due process guarantees of the Fourteenth Amendment.

RUSD adopted a parental rights policy—codifying protections already guaranteed to parents under the Fourteenth Amendment—requiring parental notification when a student seeks to socially transition.

The union objected to the policy and brought an administrative proceeding before PERB, alleging that its adoption violated the collective bargaining agreement. PERB summarily affirmed the union's position. Under California's legal scheme, that administrative decision was never reviewed by a court of competent

jurisdiction, even though it affected parents' fundamental constitutional rights. This petition followed.

I. RUSD Adopts the Parental Notification Policy

In September 2023, RUSD proposed revisions to its Administrative Regulations ("AR") 5020 and 5145.3. AR 5020 would grant parents of students in the District a right to be notified promptly if their child requests to be identified by a different gender; requests to use a different name or pronouns; or requests access to bathrooms and changing facilities that do not align with their biological sex. AR 5145.3 would protect a transgender student's right to privacy regarding their transgender status except as to parental notification. App. 16a–18a. These revisions (collectively, the "Parental Notification Policy" or "Policy") were to be voted on at the September 6, 2023 Board meeting. App. 19a.

However, after the District, consistent with its practice of posting Board meeting agendas and supporting documents on its public website prior to Board meetings, posted its proposed revisions to AR 5020 and 5145.3, it received a cease-and-desist demand from the local teachers union, the Rocklin Teachers Professional Association ("RTPA"), claiming that the AR revisions violated the law. App. 18a.

II. The Unfair Practice Charge

Although the Parental Notification Policy constitutes non-mandatory subjects of bargaining under PERB's *Anaheim* test (that is to say, it has no nexus

to wages, hours of employment, or other terms and conditions of employment), RTPA demanded notice and an opportunity to bargain over the Policy's negotiable effects. The Board adopted the Policy on September 6, 2023.

Two days later, on September 8, 2024, RTPA filed an Unfair Practice Charge with PERB, alleging the District failed to bargain before adopting the Policy and violated Government Code section 3543.4, subdivisions (a), (b), and (c), when its Board adopted the Parental Notification Policy. App. 19a. The Charge focused on the District's alleged failure to bargain the effects of the Policy on mandatory subjects of bargaining. App. 20a.

The case proceeded before a PERB Administrative Law Judge ("ALJ"), who served a Proposed Decision. App. 3a. The ALJ found that the Board's September 6, 2023 decision to approve the amendments to AR 5020 and 5145.3 was nonnegotiable and forcing RTPA to agree to the effects of a nonnegotiable decision was unlawful. App. 4a. Following the PERB ALJ's proposed decision, the District filed a Statement of Exceptions. App. 3a.

III. Additional Relevant Developments in California Policy

Amid this ongoing litigation, on July 15, 2024—well after RTPA filed its Charge—Governor Newsom signed Assembly Bill ("AB") 1955 into law, which went into effect on January 1, 2025. App. 31a. AB 1955 prohibits school districts from requiring staff to disclose information to parents related to a student's

sexual orientation or gender identity and protects school staff from retaliation if they refuse to notify parents of a child's gender preference. App. 31a–32a. AB 1955 does not prohibit notification to parents about a child's sexual orientation or gender identity; rather, it only prohibits requiring staff to make such a disclosure. App. 32a.

On July 16, 2024, Chino Valley Unified School District, Anderson Union High School District, and the Orange County Board of Education, inter alia, commenced litigation in the United States District Court for the Eastern District of California, challenging the constitutionality of AB 1955 and seeking declaratory relief, captioned as *Chino Unified School Dist. v. Newsom*, United States District Court, Eastern District of California, Case No. 2:24-cv-01941-DJC-JDP. The case is currently on appeal before the Ninth Circuit Court of Appeals (Case No. 25-3686).

IV. Procedural History

On January 28, 2025, PERB issued Decision No. 2939, finding the District committed an unfair practice when it: (1) amended AR 5020 and AR 5145.3 without first giving RTPA notice and the opportunity to bargain over the policy change; and (2) premised its agreement to bargain effects and implementation of the policy on changes that violate the California Constitution and state law (AB 1955), thereby engaging in a per se violation of its duty to bargain effects in good faith.[2] App. 4a.

---

[2] Under the terms of the PERB order, the decision is stayed until the "decision is no longer subject to appeal." App. 49a.

The District timely appealed PERB's decision to the California Court of Appeal, Third Appellate District, which has the discretion to review PERB decisions, but is not required to. On October 31, 2025, the Court of Appeal affirmed PERB's decision in an order simply stating: "The petition for writ of review is denied." App. 2a.

On November 12, 2025, the District appealed that denial to the Supreme Court of California. On January 14, 2026, that court denied review without opinion. App. 1a.

On March 2, 2026, this Court issued its ruling in *Mirabelli v. Bonta,* 607 U.S. _____, 2026 U.S. LEXIS 1192 (2026), affirming the principles that were the direct subject of the District's Parental Notification Policy. Specifically, the Court addressed, and reaffirmed, that parents, not schools, are "the primary protectors of children's best interests." *Ibid.* at *5 (citing *Troxel v. Granville*, 530 U.S. 57, 68–69 (2000)). This protection extends to "the right not to be shut out of participation in decisions regarding their children's mental health." *Ibid.* at *6*,* (citing *Parham v. J.R.*, 442 U.S. 584, 602 (1979)). This Court further stated that "gender dysphoria is a condition that has an important bearing on a child's mental health," and policies "that conceal information from parents and facilitate a degree of gender transitioning . . . violate parents' rights to direct the upbringing and education of their children." *Ibid.*

REASONS FOR GRANTING THE PETITION

Parents have a constitutional right to direct the care and upbringing of their children. *Mirabelli*, 2026 U.S. LEXIS 1192, at *6. And elected school board members have both the right and duty to enact policies that are consistent with the Constitution and serve to codify the existing rights of the constituents who elected them to power.[3]

In this case, the RTPA attempted to sidestep those rights by alleging that the Policy violated the collective bargaining agreement, utilizing PERB to fulfill its political agenda at the expense of parents, the District board, and the Rocklin community at large.

PERB has the authority to resolve labor disputes, not issues of constitutional law. Nonetheless, PERB concluded that the Parental Notification Policy was unlawful. In deciding that the Policy was illegal, PERB not only asserted improper jurisdiction, but also violated the constitutional rights of public-school parents. If PERB's decision is left to stand, a union could sue a school board over any policy it opposes on substance on the basis that the adoption of such policy violates the procedural requirements in the collective bargaining agreement. This problem is exacerbated by California's PERB system, where appointed judges are chosen because of their favorable view of unions—resulting in decisions in the union's favor in almost

---

[3] The District raised these constitutional issues before PERB, but PERB declined to consider or even address them in its order. App. 79a–85a.

every case—and by the fact that California has no requirement that a PERB decision be reviewed by a court of competent jurisdiction. This means unions, not courts, frequently have the final say on the legality and constitutionality of school board policies. This system violates the right to due process of law.

I. PERB's decision infringes on fundamental parental rights protected by the Fourteenth Amendment.

PERB's findings infringe on the substantive due process rights of parents to raise their children and decide how to handle health care issues, protected by the Fourteenth Amendment of the federal Constitution. By arrogating to itself the power to prohibit school board policies that protect the constitutional rights of parents, PERB stages an end run around the rights of both parents and the elected officials charged with the responsibility of protecting those rights.

The rights at issue in this matter have been explicitly codified and repeatedly addressed. In fact, since the last development in this case, this Court has further clarified and reinforced the clear, unambiguous body of precedent protecting parental rights: "under long-established precedent, parents—not the State—have primary authority with respect to 'the upbringing and education of children.'" *Mirabelli*, 2026 U.S. LEXIS 1192, at *6.[4] "The liberty interest at issue in

[4] The United States Department of Education has also weighed in on the issue, warning California that its efforts to withhold student information from parents violates FERPA, which ensures parents have a right to review their children's records. *California v. United States Dep't of*

this case—the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court [of the United States].” *Troxel*, 530 U.S. at 65; *see also Parham v. J.R.*, 442 U.S. 584, 602 (1979); *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923); *Keates v. Koile*, 883 F. 3d 1228, 1235–36 (9th Cir. 2018).

When a child's constitutional right to privacy conflicts with a parent's constitutional interest in their child's health, this Court's precedent favors "permit[ting] the parents to retain a substantial, if not the dominant, role" in a health care decision. *Parham*, 442 U.S. at 604. This Court held that "[g]ender dysphoria is a condition that has an important bearing on a child's mental health," and that parents have "the right not to be shut out of participation in decisions regarding their children's mental health." *Mirabelli*, 2026 U.S. LEXIS 1192, at *6. As the district court in *Mirabelli* explained: "[p]arental rights over matters of health continue to be preeminent even where the government may worry about a general possibility of abuse or parental nonacceptance due to their child's exhibition of gender incongruity." *Mirabelli v. Olson*, 761 F. Supp.3d 1317, 1331 (S.D. Cal. Jan. 7, 2025) "The fact that a child may balk at hospitalization or complain about a parental refusal to provide cosmetic surgery does not diminish the parent's authority to decide what is best for the child." *Ibid*. at 1332; *see also Mann v. Cty. of San Diego*, 907 F.3d 1154, 1156

Educ., No. 26-cv-01259-WHO, 2026 U.S. Dist. LEXIS 31718 (N.D. Cal., February 11, 2026).

(9th Cir. 2018) ("We have long recognized the potential conflict between the state's interest in protecting children from abusive or neglectful conditions and the right of the families it seeks to protect to be free of unconstitutional intrusion into the family unit, which can have its own potentially devastating and long lasting effects.").

The constitutional right in question is "of great and growing national importance." *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, 145 S. Ct. 14 , 14 (2024) (Alito, J., dissenting.) Contrary to RTPA's assertion, this case is not—and never truly has been—about a labor dispute. RTPA challenged RUSD's Parental Notification Policy because that Policy did not align with RTPA's political agenda, and PERB ruled with the union (even reaching the constitutional and legal merits of the Policy). PERB cannot issue a decision infringing upon parents' constitutional rights under the guise of resolving a labor dispute—yet, that is exactly what happened here.

II. PERB's proceedings—and the deference given by the California appellate courts to its findings—violate procedural due process under the Fourteenth Amendment.

The Fourteenth Amendment also serves to protect against arbitrary government actions and ensure that legal proceedings are conducted fairly and justly. That was not the case here, where the District properly enacted a Policy mirroring the protections of the Constitution, only to have that Policy deemed illegal by a pro-union administrative court with no automatic

right to have that decision reviewed by a court of competent jurisdiction.

PERB lacked the fundamental jurisdiction to issue its decision. And while California law grants the Court of Appeal discretion, it does not require it to review PERB's decisions. *See* Cal. Gov. Code § 3540 *et seq.*; Cal. R. Ct. 8.728; *Boling v. PERB*, 5 Cal. 5th 898, 912 (2018) (Courts "follow PERB's interpretation unless it is clearly erroneous," and "in reviewing PERB's findings . . . do not reweigh the evidence.").

When the California appellate courts declined to consider PERB's decision, those courts allowed PERB's order to stand without judicial review. PERB, an unelected body, blocked a Policy that would have protected the constitutional rights of the parents served by the elected school board. PERB's improper extra-jurisdictional decision, combined with the lack of review from a court of competent jurisdiction, violates due process. *Matthews v. Eldridge*, 424 U.S. 319, 332 (1976) ("Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment."). Due process is implicated by both the nature of PERB's decision and the courts' deference to it.

The administrative framework governing agencies like PERB raises "grave doubts" regarding the constitutionality of granting administrative agencies the primary authority to adjudicate core private rights "with only deferential jurisdiction review on the back end." *Axon Enter. v. FTC*, 598 U.S. 175, 196 (2023)

(Thomas, J., concurring.) "The 'appellate review model' of agency adjudication," like that present in this case, "raises serious constitutional concerns" and "may violate due process by empowering entities that are not courts of competent jurisdiction to deprive citizens of core private rights." *Ibid.* at 202. And "deferential review" of decisions is "particularly concerning" when there is a "tendency to overwhelmingly agree with their respective agency's decisions." *Ibid.* at 217 n.3.

The discretion granted to the California courts of appeal in reviewing PERB decisions grants unions and, by extension, PERB, inordinate authority. And, certainly, when an administrative agency is performing a full-fledged legal analysis in an area beyond its purview, the courts must intervene. Citizens need not be forced to litigate issues pertaining to constitutional rights within the confines of a labor dispute board. Doing so is not only nonsensical but also an affront to due process.

The judiciary's failure to intervene constitutes a deprivation of meaningful appellate review. "Due process demands nothing less than 'the process and proceedings of the common law'" requiring "the regular course of trial proceedings with their usual protections, not the use of ad hoc adjudication procedures before the very same agency responsible for prosecuting the law, subject only to hands-off judicial review." *SEC v. Jarkesy*, 603 U.S. 109, 151 (2024) (Gorsuch, J., concurring.) "We have no license to deprive the American people of their constitutional right . . . to the procedural protections at trial that due process normally

demands. Let alone do so whenever the government wishes to dispense with them." *Ibid.* at 158.

Allowing PERB's decision to stand would permit an administrative agency to exceed its jurisdiction and, when the appellate courts decline to review—as occurred here and is often the case—decisions affecting fundamental rights to be left to the adjudication of a non-judicial body. Unions could elect to bring cases before PERB that implicate fundamental rights and take comfort in the likelihood that favorable decisions would be left undisturbed by courts of competent jurisdiction, given the highly deferential framework within which those courts operate. It would enable forum shopping with significant constitutional consequences. As this Court has stated, a procedural due process claim is "complete . . . when the State fails to provide due process." *Reed v. Goertz*, 598 U.S. 230, 236 (2023). Both the California Court of Appeal and California Supreme Court's refusal to review PERB's unlawful decision renders this procedural due process claim ripe for consideration.

III. PERB lacked the jurisdiction to assess the legality of the Parental Notification Policy because it is outside the scope of bargaining and because PERB cannot rule on constitutional issues.

A. The subject matter of the Policy is outside the scope of bargaining.

PERB has no authority to issue decisions on issues outside the scope of its jurisdiction. It is "a California

agency responsible for administering and enforcing a range of statutes governing collective bargaining in California's public-sector workforce." *Barke v. Banks*, 25 F.4th 714, 716 (9th Cir. 2022). PERB is "responsible for overseeing labor relations between most California's public employers and their employees," and "administers and enforces collective bargaining laws, promotes fair labor practices, and resolves disputes to support stable and harmonious labor-management relations."[5] Nothing more. Yet it attempted to assert jurisdiction here by finding that the Parental Notification Policy is a mandatory subject of bargaining. It is not.

PERB is without jurisdiction to direct or interpret compliance with statutory obligations outside of the EERA. *Lake Elsinore Unified Sch. Dist.*, PERB Decision No. 2548 (2018). The EERA specifies the mandatory provisions of the Education Code (such as the notification requirements of Education Code section 51101) are outside the purview of PERB's jurisdiction. Gov. Code, § 3540.

For topics that are not specifically enumerated in EERA, PERB has established a test to determine whether the subject is within the scope of representation known as the *Anaheim* test. *Anaheim Union High Sch. Dist.*, PERB Decision No. 177 at 4–5 (1991). Pursuant to PERB's own precedent, the Parental Notification Policy constitutes non-mandatory subjects of bargaining under the *Anaheim* test. *San Bernardino Cmty. Coll. Dist.*, PERB Decision No. 2599 at 8 (2018).

---

[5] PERB, https://perb.ca.gov/ (last visited March 23, 2026).

The *Anaheim* test provides that an item must be bargained for when it a) is logically or reasonably related to hours, wages, or other terms and conditions of employment; b) is "of such concern to both management and employees that conflict is likely to occur *and* the mediatory influence of collective negotiations is the appropriate means of resolving the conflict"; and c) does not "significantly abridge" any of the managerial prerogatives that are central to carrying out the District's mission. *Anaheim*, PERB Decision No. 177 at 4 (emphasis added). The Parental Notification Policy does not satisfy any of the three requisite prongs.

Because the Parental Notification Policy falls outside the scope of bargaining, PERB lacked jurisdiction to consider its legality.

B. PERB lacks authority to rule on constitutional issues.

PERB further overstepped its bounds by addressing constitutional issues it has no power to resolve. In its ruling, PERB spent no fewer than nine pages of analysis to holding that the Parental Notification Policy itself was unlawful—a conclusion PERB had no authority to reach. PERB is without authority to rule on constitutional issues. *Monterey Peninsula Unified Sch. Dist.*, PERB Decision No. 2381-E (2014) ("Constitutional due process rights are beyond PERB's remit to enforce."); *Los Angeles Unified Sch. Dist.*, PERB Decision No. 835 (1990) (explaining that PERB only had jurisdiction to enforce the statutes it is charged with administering and has no jurisdiction to enforce constitutional protections); *State of California (Dep't of Consumer Affairs)*, PERB Decision No. 1762-S

(2005) (noting PERB lacks jurisdiction to adjudicate gender discrimination claims).

This Court has a robust body of precedent that defines the limited jurisdiction of federal agencies. It emphasizes the necessity of confining their authority to the powers expressly conferred upon them and ensuring they do not infringe upon the jurisdiction of Article III courts. The same principles can reasonably be applied to state agencies and state courts to conclude that "agency adjudications are generally ill-suited to address structural constitutional challenges." *Axon*, 598 U.S. at 195.

Administrative law judges were never intended to adjudicate matters involving constitutionally protected rights. "We have repeatedly explained that matters concerning private rights may not be removed from Article III courts." *Jarkesy*, 603 U.S. at 127. "To avoid misconstruction upon so grave a subject, we think it proper to state that we do not consider congress can . . . withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty." *Ibid.* at 132 (citing *Murray's Lessee v. Hoboken Land & Improvement Co.*, 59 U.S. 272, 284 (1855)). "What matters is the substance of the suit, not where it is brought, who brings it, or how it is labeled." *Ibid.* at 135.

PERB's overstepping of its jurisdiction to rule on constitutional issues is itself sufficient reason for this Court to step in.

CONCLUSION

This court should grant the petition to make clear that Rocklin Unified School District's Parental Notification Policy aligns with the Fourteenth Amendment of the U.S. Constitution, that a court of competent jurisdiction is required to review matters involving constitutional violations, and that PERB had no jurisdiction to hear this case in the first place.

Respectfully submitted,

Jeffrey M. Schwab
Counsel of Record
Kathryn Cosgrove
James McQuaid
Liberty Justice Center
7500 Rialto Blvd.
Ste. 1-250
Austin, Texas 78735
512-481-4400
jschwab@ljc.org

Emily Rae
California Justice Center
18002 Irvine Blvd.
Ste. 108
Tustin, California 92780
949-237-2573
emily@calpolicycenter.org

Counsel for Petitioner

April 14, 2026