



New York AG Letitia James Sued in Federal Court for Threatening School Board Members with Removal if They Allow Debate About Trans Athletes in K-12 Schools

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[DECEMBER 9, 2025] New York Attorney General Letitia James was sued in federal court today for her threats to remove school board members from office if they publicly spoke about - or allowed public discussion at school board meetings - about trans students using the locker rooms of their opposite biological sex. The threats by James in a “guidance letter” include the removal of any school board member who uses the wrong pronoun for a trans person, or if they allow students to publicly speak out at school board meetings about their fears and discomfort with student trans athletes using the wrong locker room for their biological sex.

This [new lawsuit](#) is especially timely, as there is a [current ongoing public debate at the Massapequa School Board](#) about the accommodations for trans athletes and the experiences of female students there who have to change in a locker room with a trans athlete who is a biological male. [WATCH TESTIMONIES HERE - [STUDENT A](#) & [STUDENT B](#)] One of the plaintiffs in this lawsuit is Kerry Wachter, who serves as the chair of the **Massapequa Union Free School District**.

The new federal case against the NY AG was filed today by the Southeastern Legal Foundation (SLF), a national nonprofit of top attorneys that regularly defend constitutional rights. The case is on behalf of several parties, including: Kerry Wachter, the Massapequa School Board President; Danielle Ciampino, a member of the Rotterdam-Mohonsen Central School District Board of Education; Sarah Rouse, a mother of students in the Rockville Centre Union Free School District; and Issac Kuo, a father of students in the Rockville Centre Union Free School District. The case is filed against not only AG James, but also New York Commissioner of Education Betty Rosa, and the members of the New York State Board of Regents.

SLF President Kim Hermann said, “Kerry Wachter has allowed Massapequa High School students to speak up and express their fears and discomforts with biological males changing in their girls locker room, even when there is a gender neutral locker room available at the school that the student does not use. Because she has allowed these students to speak about their experiences, which they said often distract them from learning throughout the school day, she now faces forced removal from her elected position to the school board because of the anti-free speech actions and policies of the State of New York.”



Hermann continued, “**Letitia James’ policies that say students cannot speak at their own school board meetings about the stress and problematic policies around accommodating trans athletes are anti-American and anti-constitutional.** Letitia James’ policies that say school board members in New York can be removed from office just for using the biologically correct pronoun for a trans student are not only repressive but blatantly disregard the value of free speech for the citizens she represents.”

The federal lawsuit states that the plaintiffs in the case, including Wachter, are asking, “the Court to declare that Attorney General James, Commissioner Rosa, and the members of the New York State Board of Regents **cannot outlaw or threaten their viewpoints at school board meetings on important issues related to student safety and opportunity.** Plaintiffs ask this Court for an injunction against Defendants’ censorship.”

About Wachter specifically, the complaint states, “**Ms. Wachter intends to allow parents and community members to speak viewpoints the Guidance Letter prohibits.** Ms. Wachter also intends to allow parents and community members to speak viewpoints supported by and articulated in the Guidance Letter. Ms. Wachter also intends to continue allowing parents and community members to use pronouns that correspond to third persons’ biological sex, or to use preferred pronouns...The Guidance Letter threatens Ms. Wachter’s intended course of action with removal from office.”

Southeastern Legal Foundation is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic®. Since 1976, SLF has been going to court for the American people when the government overreaches and violates your constitutional rights.

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