

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

B.P.J., by her next friend and mother, HEATHER JACKSON,

Plaintiff,

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, and DORA STUTLER in her official capacity as Harrison County Superintendent,

Defendants.

Civil Action No.

Hon.

DECLARATION OF J

I, B.P.J., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I make this declaration of my own personal knowledge, and, if called as a witness, I could and would testify competently to the matters stated herein.

2. I am a girl who is also transgender. I am 11 years old and will be entering the sixth grade this fall at Bridgeport Middle School. I have two older brothers, ages 13 and 20 years old. I live with my brothers; my Mom, Heather; and my Dad, Wesley in Lost Creek, West Virginia.

3. Some of my favorite things to do include playing outside with our family’s dogs, riding my bike, and jumping on the trampoline. I am very passionate about math and science and make straight As in school. Also, I like to play videogames like Apex Legends and Minecraft.

4. I am a girl. When I was younger, I remember wanting to play in my mom’s clothing and always liking pink and “girly” items.

5. My mom has always been supportive of me, so talking to her about how I was feeling about being a girl and that I wanted to go by the name B.P.J. felt normal to me.

6. After I talked with my parents about being a girl and wanting to go by the name B.P.J., my mother and father were supportive and began taking me to a therapist who works with transgender people. I was diagnosed with gender dysphoria.

7. I am currently on puberty-delaying medication and have been for almost a year.

8. I first got into cheering because my mom encouraged me to try a sport. Since I had spent time learning cheer routines while in the stands and my friends were also on the cheer team, I decided to pursue cheer.

9. I really liked being a cheerleader. It was fun. I liked having the chance to be on a team with my friends and learning how to do all the cheers. I never had any problems with the other girls on the team.

10. During my first year on the cheer team, our team placed at a cheer competition for the first time ever. We got third place in competition. It made me feel proud and good about myself to work hard and succeed as a team.

11. Heading into junior high school, I am excited to try out for the girls' cross-country and track teams. Although I really enjoyed my time on the cheer team, I sometimes got "stage fright" and would prefer to take up a new sport. Since I was young, I have always enjoyed running and everyone in my family runs. My older brothers run cross-country, and my mom runs too. Seeing my family run has motivated me to want to try out and participate.

12. Knowing I cannot try out for the girls' cross-country and track teams just because I am a transgender girl is horrible and makes me feel angry and sad. It hurts to know that I will

not be able to have the chance to run on the girls' team like my friends can because I am a transgender girl.

13. I do not want to run with the boys and I should not have to run with the boys.

14. Running with the girls means a lot to me because I am a girl, and I should be treated like a girl. If I do not get to participate in cross-country or track, I will miss out on the opportunity to spend time with my friends and grow with a new team.

15. I just want to have a chance to participate in school sports like any other girl. It is frustrating and hurtful that some people want to take that chance away from me and treat me differently from everyone else just because I am transgender.

* * *

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 5-24-2021

B. P. J.
B.P.J.