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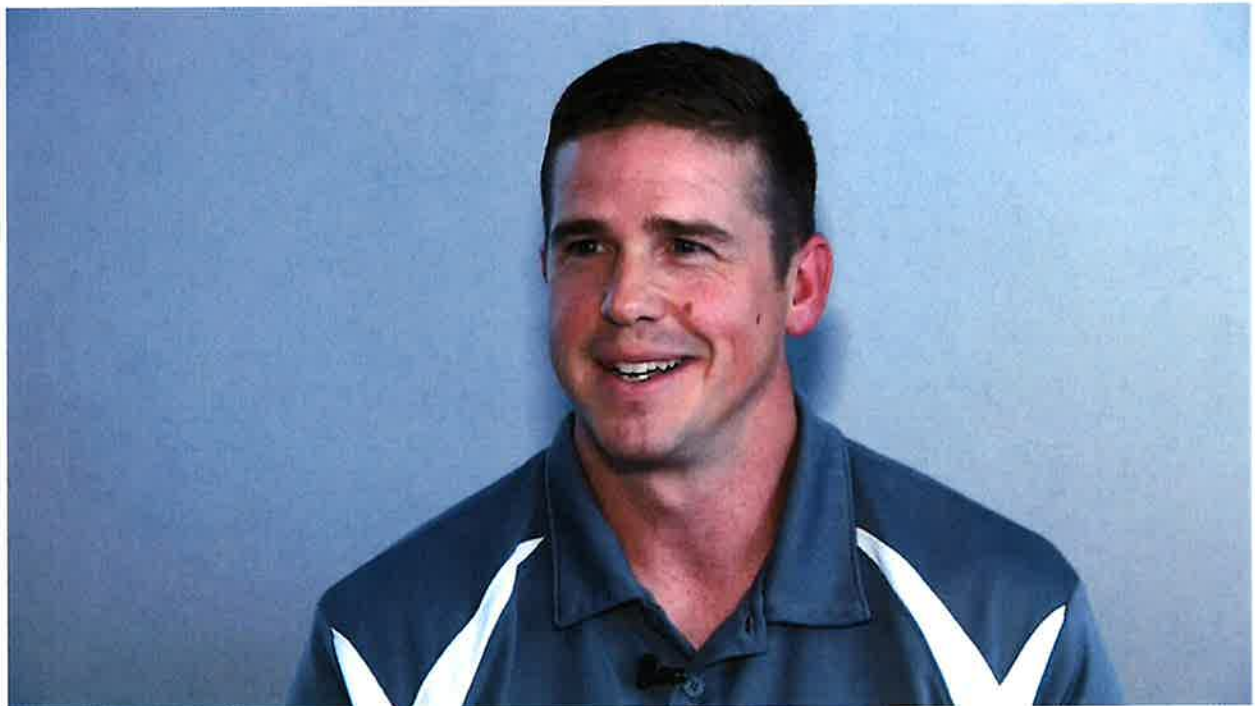
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Judge reinstates gym teacher who refused to use preferred pronouns for transgender students

BY MATTHEW BARAKAT, ASSOCIATED PRESS

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A Virginia judge ruled that Tanner Cross was exercising his right to free speech when he told the Loudoun County School Board he could not abide by a proposal requiring that transgender students be addressed by their preferred pronouns due to his religious beliefs. (WJLA via CNN)

FALLS CHURCH, Va. (AP) — A judge on Tuesday ordered a northern Virginia school system to reinstate a suspended gym teacher who spoke out at a school board meeting against a proposal requiring that transgender students be addressed by their preferred pronouns.

Loudoun County Circuit Court Judge James Plowman ruled that teacher Tanner Cross was exercising his right to free speech when he told the board he could not abide by the proposal based on his religious beliefs. His order requires Cross' immediate reinstatement until a full trial can be held.

Alliance Defending Freedom, a conservative Christian legal group, sued the county school board last week and filed for an emergency injunction on behalf of Cross, a teacher at Leesburg Elementary.

Cross was suspended after he said at a May 25 school board meeting that he could not abide by proposed rules that would require teachers to address transgender students by their chosen gender.

During the hearing, Cross said "I'm a teacher, but I serve God first. And I will not affirm that a biological boy can be a girl and vice versa because it is against my religion. It's lying to a child. It's abuse to a child."

The school board is considering the new regulations in conjunction with a state mandate requiring all school systems to update their policies on transgender students. The model regulations circulated by the state include a requirement that students be addressed by their preferred pronouns.

Stacy Haney, a lawyer representing the school system, said the state law gives the school board no leeway on implementing the policy and existing school board regulations already prohibit discrimination based on gender identity, which Haney said includes referring to transgender children by their preferred pronoun.

As a result, Haney said, Cross was articulating a defiance to follow existing school policies.

In addition, the school system argued Cross was not suspended for expressing his beliefs, but because his remarks caused a disruption at the school. Five parents contacted the principal after the school board meeting requesting their children have no interaction with Cross.

Cross' lawyer, Tyson Langhofer, said at a hearing Friday that complaints from a small number of parents are insufficient to show the level of disruption that would justify punishing a teacher for exercising his free speech rights.

Allowing teachers to be punished for speaking out on an issue of public debate "would cast a pall of orthodoxy over teachers, not just in the classroom, but everywhere," Langhofer said. "The school is essentially asking for compelled silence."

Plowman, a Republican who served as the county's top prosecutor before he became a judge, agreed that the parents' complaints fell far short of the disruption that would justify his suspension.

The school system declined comment Tuesday on the ruling.

The controversy has crept into Virginia politics. Glenn Youngkin, the Republican nominee for governor in this year's election, said he supports Cross. In a June 1 tweet, Youngkin called on the school board to reinstate Cross "because they have absolutely ignored his constitutional rights."

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