

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

**Parker Tirrell**, by her parents and next friends Sara Tirrell and Zachary Tirrell, *and*

**Iris Turmelle**, by her parents and next friends, Amy Manzelli and Chad Turmelle,

*Plaintiffs,*

v.

**Frank Edelblut**, *in his official capacity as Commissioner of the New Hampshire Department of Education;*

**Andrew Cline, Kate Cassady, Ann Lane, Philip Nazzaro, Rajesh Nair, James Fricchione, and James Leboe**, *in their official capacities as members of the New Hampshire State Board of Education;*

**Pemi-Baker Regional School District;**

**Pembroke School District;**

**Donald J. Trump**, *in his official capacity as President of the United States,*  
1600 Pennsylvania Avenue NW,  
Washington, DC 20220;

**U.S. Department of Justice,**  
950 Pennsylvania Avenue NW,  
Washington, DC 20530;

**Pamela Bondi**, *in her official capacity as Attorney General of the United States,*  
950 Pennsylvania Avenue NW,  
Washington, DC 20530;

Civil Case No. 1:24-cv-00251-LM-TSM

**U.S. Department of Education,**  
400 Maryland Avenue SW,  
Washington, DC 20202; and

**Denise L. Carter**, *in her official  
capacity as Acting Secretary of the  
United States Department of Education,*  
400 Maryland Avenue SW,  
Washington, DC 20202.

*Defendants,*

and

**Female Athletes United,**  
*Proposed Intervenor-Defendant.*

**DECLARATION OF A.C. IN SUPPORT OF MOTION TO INTERVENE**

I, A.C., under penalty of perjury, declare as follows:

1. I am a 16-year-old resident of Bridgeport, West Virginia, in Harrison County, and have personal knowledge of the information below.
2. I am a female tenth-grade student at Bridgeport High School (“BHS”), where I have competed on the girls’ track and field team. I have competed in discus, shot put, and the 4 x 100 relay. I fully expect to continue attending BHS throughout high school. I do not plan to compete on the track and field team this year mostly due to the involvement of a male athlete on the girls’ track and field team.
3. It is my understanding that, as a public school, my high school is bound by the requirements of Title IX.
4. I am also a member of Female Athletes United. I joined FAU because I believe that girls’ sports and private spaces should be spaces for women only. I wanted to become a member of an organization that aligns with those beliefs.

5. I started playing sports when I was two or three years old. I have competed in different club, youth, and school sports since that time, including soccer, gymnastics, swimming, and Brazilian jiu-jitsu.

6. I was good at Brazilian jiu-jitsu. I started training when I was eight years old and from early on was at the top of my class. Sometimes, I even threw boys around. But I quickly learned that there is a stark difference in strength and stamina between boys and girls. I eventually quit jiu-jitsu because even though I was good with the technical elements, I was competing against boys who were bigger and stronger than me, and I could not win. It was no longer fun.

7. I started playing sports because sports and physical health are important to my family. I enjoy the camaraderie and competitiveness of it.

***Competing against a male athlete in girls' sports***

8. In sixth through eighth grade, I attended Bridgeport Middle School ("BMS"). In seventh grade (the 2021–22 school year), I joined the girls' track and field team. I competed in the 100-meter dash, pole vault, shot put, and discus. Sometimes, I filled in for my teammates in other events, too, like the 200-meter dash and relay events.

9. To my surprise, another BMS student named B.P.J. joined the girls' track and field team. B.P.J. is almost two years younger than me, and one year behind me in school. Because I know B.P.J.'s older brother from school, I knew at the beginning of the 2021–22 school year that B.P.J. is a male who identifies as a girl.

10. During those two years in middle school, I competed against B.P.J. in both shot put and discus, and I saw B.P.J. almost every weekday at practices and meets during the outdoor season.

11. When I first competed against B.P.J., I typically beat B.P.J. in shot put and discus. At the beginning of the season, B.P.J. was not throwing very well. It

was B.P.J.'s first year trying these sports, and it can take a while to learn the skills needed to excel in throwing events. I had also just started throwing shot put and discus, and was learning the skills, but I was almost two years older. By the end of my seventh-grade season, B.P.J. threw about the same distance as I did in shot put—around 18–20 feet.

12. In discus, I typically beat B.P.J.: I threw around 40 feet while B.P.J. threw closer to 30 feet. But in the last meet of the 2021–22 season, B.P.J. suddenly threw almost 20 feet farther: 49' 7".

13. By the next school year (2022–23), I could tell that B.P.J. had grown a lot. B.P.J. got taller and threw farther. B.P.J. got a deeper and more masculine voice.

14. Before the 2022–23 school year, B.P.J. was never one of the top athletes at BMS. But during the 2022–23 school year, B.P.J. suddenly became one of the top three throwers in shot put and discus at BMS. On May 13, 2023, B.P.J. threw 16 feet farther in discus than B.P.J. had thrown at the beginning of the season. It is incredibly rare to see that big of an increase in throwing distance in such a short time.

15. There are usually ten meets in discus and shot put each season. The meets earlier in the season allow more athletes: a school can send several athletes from their team to each event. But as the year goes on, the events become more restricted, and often only the top three or four ranked athletes from a school in each event compete.

16. Rankings depend on an athlete's personal record in each event. At the beginning of each school year, we have a scrimmage to establish baseline times and distances in each event, and the coach uses those times to establish each athlete's ranking. Rankings can change during the season if a student sets a new personal record better than someone else's. And sometimes, if a coach sees that an athlete is

working really hard in practice and improving, then that athlete might move up in the rankings.

17. Until April 2023, I was in the top three on my team for discus in both seventh and eighth grade. I was usually in the top three or four for shot put as well.

18. But that changed as B.P.J. started beating me.

- a. In March 2023, B.P.J. beat me at the Connect Bridgeport Invitational in shot put and in discus.
- b. Then in April, B.P.J. beat me at the Pioneer MS Invitational in discus.
- c. Later in April, B.P.J. beat me at the Bobcat MS meet in shot put and discus.

19. When I lost to B.P.J., B.P.J. would sometimes say to me, “you just need to get stronger,” A.C. Or B.P.J. would say, “you have more testosterone than I do, and I am still beating you.” I find it offensive for a male to say that to a girl. The one bright spot was the Harrison County Championships girls’ discus event in April 2023, where I threw farther and earned a higher placement than B.P.J.

20. One of the biggest meets of the season is the Mid Mountain 10 MS Championships. It is a conference meet, and only the top three ranked athletes from our school in each event get to compete. In the past, I got to compete at this event.

21. But after practice the night before our conference championship meet, my coach pulled me aside and said that I had been “knocked out” of the conference meet. I was upset.

22. At that point, B.P.J.—a male almost two years younger than me—had passed my personal record in shot put (24’ 1”) by almost three feet (27”). And B.P.J. had passed my personal record in discus (55’ 2”) by more than 10 feet (66’ 0”).

23. Because B.P.J. now ranked in the top three in shot put and discus, I was pushed out of the top three to fourth place at BMS in those events. And it meant

that I did not get to compete in shot put or discus in the Mid Mountain 10 MS Championships on April 29, 2023.

24. It felt strange to be kicked out of my events, because I had always gotten to compete before. I felt angry and discouraged that B.P.J. took my spot. But I also felt like I couldn't say anything about it. If I complained, I would be unfairly labeled as "transphobic," even though that is not true. It felt unfair. I felt like I had to suck it up and live with it. I felt unheard and unseen.

25. Other girls on my team were upset, too. They were shocked to hear that I didn't get to compete in shot put and discus.

26. At the conference championships on April 29, 2023, B.P.J. ultimately took fourth overall in girls' discus and sixth overall in girls' shot put. A lot of girls placed lower than they should have because B.P.J. participated in the girls' events.

27. After I missed out on competing in discus and shot put in the conference championship, one of my coaches pulled me aside and tried to encourage me. My coach agreed that what happened to me was unfair, and I felt a little better having my coach's support.

28. Because B.P.J. pushed me down in the rankings, I did not get to compete in discus or shot put for the rest of the season, except for an eighth grade-only invitational that B.P.J. (as a seventh grader) was not eligible to compete in.

29. It is not fair to force me and other girls to compete against males in sports. As I have experienced with B.P.J., it is extremely frustrating to know that no matter how hard I work, I will not be able to throw farther than B.P.J.

30. Being excluded from the competition before it even begins is discouraging because I am not as strong and athletic as boys my age. It makes me so angry that I do not have a chance to even win. It makes me want to scream, "Why am I even here?"

31. I want girls to have an opportunity to compete on a level and safe playing field, and I know that will never happen if boys are allowed to compete on girls' sports teams.

32. B.P.J.'s athletic records show that B.P.J. beat over 50 different female athletes in the 2021–22 school year, displacing several of the female athletes more than once.

33. These records show that B.P.J. beat over 100 different female athletes in the 2022–23 school year, displacing them almost 300 times. I also lost to B.P.J. on four separate occasions that school year. For example, on April 20, 2023, I would have been third place at BMS in the one kg discus. Instead, I received fourth place, while B.P.J. took second place.

34. The same thing happened in shot put on April 20, 2023. I took fifth place at BMS, while B.P.J. received fourth place.

35. I did not compete against B.P.J. during my freshman year of high school (2023-24) as B.P.J. was still in middle school. But based on publicly available information, during the 2023–24 school year, B.P.J. beat almost 100 female athletes, displacing them over 250 times.

36. It is my understanding that, during the three years B.P.J. competed in women's sports, B.P.J. has displaced almost 300 different female athletes over 700 times.

37. These records about B.P.J.'s athletic competitions are available at <https://www.athletic.net/>.

38. Not only did I miss out on opportunities to compete, but I also did not attend my eighth-grade award night. At the end of each year in middle school, the track and field team holds a banquet to celebrate the accomplishments of the team for the past year.

39. Eighth grade was the year that I lost out on the opportunity to compete in the Mid Mountain Championship, and I was subjected to sexually–harassing comments.

40. I had felt frustrated and uncomfortable all year in track and field because of B.P.J.’s involvement, and I didn’t want to face another situation that could cause me any awkwardness or stress. I decided not to attend the banquet because of these circumstances.

41. Because I did not attend, I did not receive my ribbons when the other members of my team did. I received my ribbons in an envelope at school after the event.

42. My eighth-grade banquet is just another example of the opportunities I missed out on because a male was allowed on the girls’ team.

***Privacy concerns when male athletes compete in girls’ sports and male students use girls’ facilities***

43. B.P.J. was not just another girl on our team. B.P.J. was very open about being on puberty blockers. I and other girls on the BMS girls’ track and field team have always known that B.P.J. is male.

44. This whole experience of having B.P.J. on the girls’ team in middle school was very hard for me, and my teammates told me that they found it hard, too.

45. When B.P.J. was first put on the girls’ team, I decided to change clothes in the girls’ restroom instead of the locker room to have more privacy. But when my school closed the gym locker rooms, the entire girls’ team had to change in the girls’ bathrooms.

46. During that first practice, when the girls’ locker rooms were closed, I didn’t want to change with a male in the bathroom, so I decided to practice in the clothes I was wearing to school that day.

47. I usually change into shorts for our outdoor track and field practice because it is so warm outside. But that day, I wore my leggings to practice because I felt so uncomfortable changing with a male in the girls' restroom.

48. Other girls had similar concerns. One of my other teammates routinely wore her practice clothes to school because she did not want to share a locker room with a male.

49. Throughout the season, our coaches and administrators acted like the situation was normal, even though it was not. Although I still felt uncomfortable changing with a male in the girls' restroom and locker room, I couldn't continue wearing my school clothes to practice.

50. I was forced to change with a male in the girls' restroom because there was no other option for me.

51. Even when we were not changing, but simply using the restroom, I still did not feel right about a male sharing the restroom with me.

52. I have never minded changing clothes in front of other girls. We are the same. But when B.P.J. started changing clothes with us girls in the girls' bathroom, I felt uncomfortable and decided that I should change in the bathroom stall whenever I could for more privacy.

53. In my high school, we change in the locker room by the field for track and field practice. The locker room has three private stalls and some showers with curtains. Most of the locker room area is an open space with lockers where girls can change.

54. Before practice or a track and field meet, we only have so much time to change before we need to begin warming up. There is not enough time for all the girls to change in a private space, and many girls change in the open area of the locker room.

55. I also had to change in the girls' locker room for physical education class. Last year as a Bridgeport High School freshman, I had to participate in P.E. class every other day for the whole year. We changed clothes before we began every P.E. class. We used the locker room inside the gymnasium for P.E. and all of the indoor sports.

56. Like the outdoor locker room, the indoor locker room is mainly just a wide-open area in a room where we change in front of lockers. There are three bathroom stalls, and three showers with curtain areas.

57. There is not enough time for every girl to change in a private area for P.E. class. I would not want to change for P.E. class if there was a boy in our locker room even if that boy identified as a girl. When we were in P.E. class, we played some sports with the boys. But girls and boys play separate games whenever we play any contact sports. We played volleyball, basketball, and football in P.E. but each time, we only played with the girls.

58. I don't want to use a restroom or locker room to change, or use a restroom generally, with a boy in there. When I use a restroom or when I change my clothes in the locker room for a meet, I don't want to be seen by a person of the opposite sex. I don't want to change in front of a boy or want a boy to change in front of me.

59. I also do not want to shower in a locker room with a male nearby. It would make me feel extremely unsafe, anxious, and embarrassed to shower in the girls' locker room if males are allowed in.

60. Track and field practices and meets are not the only school-sponsored events where I need to change my clothes. I also have to change my clothes for the band when I go to practice and when I travel to other schools to compete. I am on the Frontline with my band and also play the trumpet. Frontline is similar to color guard. We travel with the band and perform routines while the band plays. There

are times in the year when I perform with Frontline and other times when I just play the trumpet.

61. When I perform with Frontline, I wear a different uniform than the band. The Frontline uniform is a skin-tight outfit that requires us girls to change most of our clothes. The band's uniform is loosely fit and can be worn over a pair of shorts and a T-shirt.

62. When the band travels to other schools to compete, sometimes we have to change on the bus. The rest of the band will leave the bus, leaving just the girls on the bus to change into our uniforms for Frontline.

63. Other times, the school we are visiting will provide a classroom for the band to change in. When that happens, the band will leave the room, giving the girls more privacy to change into our uniforms. When we change on the bus or in a classroom, we all change in one room in front of each other because we are all girls and it is not uncomfortable.

64. I would not want to change on the bus or in a separate classroom if there was a boy identifying as a girl in the room with us. Because our uniforms are tighter than the bands' uniforms and we have to change most of our clothing, I would not feel safe with changing in front of a boy.

65. Last year, the band traveled to Disney World for a week-long trip. When we were on the trip, four of us girls shared one hotel room. There were two queen beds, and two girls slept in each bed. No adult was in the room with us, and we all shared the bathroom. When we changed, we just changed in the hotel room and did not go into the restroom to change our clothes.

66. The band goes on an overnight trip once a year, and the band is going on another trip in a few weeks to Chicago. I will not be attending this trip. One reason I am not attending the trip is because I am worried that B.P.J. will be going on the

trip. I do not feel comfortable sharing a room, a bed, or a restroom with a male who identifies as a female.

67. Last year, I also traveled to Charleston, West Virginia, with the student government. My school selected two girls and two boys to travel to Charleston for three days. I was selected as one of the girls to participate in this program through a competitive process of tests and essays. We had the opportunity to tour the capitol, speak to senators, and learn more about the West Virginia government.

68. When I was on the trip, the other girl from my school and I shared a hotel room with two girls from another school in West Virginia. We shared two queen beds and the restroom with the other two girls in our room. There was no adult to supervise us in the room.

69. I would have felt uncomfortable if I was forced to share the hotel room with a male identifying as a female.

70. I will not be competing on the track and field team this year (my sophomore year in high school) because of B.P.J.'s participation. It is frustrating that I was forced to endure uncomfortable situations and be displaced by a male who was allowed onto the girls' track and field team, in the girls' locker room, restrooms, and showers. I do not want to experience those embarrassing and frustrating circumstances again, where I have to change in front of a boy or have a boy change in front of me. If not for B.P.J.'s participation, I would compete again on the track and field team.

71. I have been training and participating in a private sports training program to improve in throwing discus and shot put and for my general health. I think remaining active is important for staying healthy. But I do not want to have to compete on the same team as B.P.J. like I have in the past.

***Enduring inappropriate sexual comments***

72. While B.P.J. was on my track and field team in middle school, B.P.J. made several offensive and inappropriate sexual comments to me. At first, it did not occur often, and I tried my best to ignore it.

73. But during my final year of middle school, B.P.J. made inappropriate sexual comments a lot more often; it increased throughout that year; and the comments became much more aggressive, vile, and disturbing.

74. Sometimes B.P.J.'s comments were just annoying, like commenting that I have a "nice butt."

75. But other times, I felt really embarrassed, and I didn't want to repeat the gross things B.P.J. said to me.

76. During the end of that year, about two to three times per week, B.P.J. would look at me and say "suck my d\*\*\*." There were usually other girls around who heard this. I heard B.P.J. say the same thing to my other teammates, too.

77. B.P.J. made other more explicit sexual statements that felt threatening to me. At times, B.P.J. told me quietly "I'm gonna stick my d\*\*\* into your pu\*\*\*." And B.P.J. sometimes added "and in your a\*\*\*" as well." These comments were disturbing and caused me deep distress.

78. B.P.J. made these vulgar comments towards me in the locker room, on the track, and in the throwing pit for discus and shot put.

79. I felt confused and disgusted when I heard these vulgar and aggressive comments. It was especially confusing because I was told that B.P.J. was on the girls' team because B.P.J. identifies as a girl, but the girls on the team never talked like that.

80. Most of the time, B.P.J. made these sexual comments at girls' track practice. Our team walked from Bridgeport Middle School to the High School for track practice, where we would train on the high school track. B.P.J. often popped up beside me as we walked and said these things. Other times, B.P.J. made

comments as our team was sitting in the endzone waiting for coaches to get practice going. At least one time, it happened in the girls' locker room.

81. Middle school kids can have foul mouths. The kids at my middle school sometimes said raunchy things, but they were not as explicit or aggressive as the things B.P.J. said.

82. I reported B.P.J.'s sexual comments to my coach and middle school administrators. Initially, the administrators told me that they were investigating, but nothing changed. From what I saw, B.P.J. got very little or no punishment for saying things that no other student would get away with.

83. I was glad to move into high school in the Fall of 2023 so that I would not have to deal with B.P.J.'s harassment since B.P.J. was still in middle school. But now B.P.J. is enrolled at my high school and even participated in the band at my school this year.

### ***Future concerns***

84. As I mentioned earlier, I do not plan to participate in girls' track and field because B.P.J. will likely join the team. I do not want to have to interact with B.P.J. regularly in small groups if I can avoid those interactions and I don't want to compete against a male in women's sports.

85. I find physical activity very beneficial, so I am continuing to exercise and improve my athletic skills through a private program. But I am sad to be missing out on the team experience with my peers at school.

86. B.P.J. participated in the band with me this year. However, the band is rather large, so I was able to avoid many interactions with B.P.J. and any uncomfortable comments.

87. It is frustrating that I must make difficult decisions of whether I will continue participating in the activities I love because a male has been allowed access to my most private spaces.

88. I also worry about other girls who may be forced to compete on the same team as a male athlete. My younger sister will be a freshman in high school when B.P.J is a senior. She is a good athlete, but she is very shy, and I can't imagine how she would feel if B.P.J. said those sexual comments to her while they were competing in sports or changing in the locker room. I do not want that to happen.

89. I believe that girls' sports should be for girls only. Males, even those who identify as girls, do not belong on girls' sports teams or in girls' locker rooms.

90. I learned that earlier this year, President Trump issued executive orders that protected girls' sports and private spaces at school. I was grateful for this step to protect women and girls at school and am hopeful that this will prevent other girls from having to experience losing opportunities in sports and not being able to feel comfortable and enjoy privacy in their restrooms and locker rooms.

91. I think it is important that other states try to do what my state of West Virginia did by passing laws to protect girls' sports. Currently, the law protects girls' sports from participation by males except for B.P.J. While I am grateful that other girls in the state are protected, I know from experience that having even one male student in a private space or on the girls' team can take opportunities from girls like me.

92. This is extremely discouraging, and I hope that in the future, girls like my younger sister will not have to go through what I have gone through.

**DECLARATION UNDER PENALTY OF PERJURY**

I, A.C., a citizen of the United States and a resident of the State of West Virginia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 20 day of February, 2025 at Bridgeport, West Virginia.

A.C.  
A.C.