

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

No. 20-1001 (L)  
(7:16-cv-00030-H-KS)

---

BONNIE PELTIER, as Guardian of A.P., a minor child; ERIKA BOOTH, as  
Guardian of I.B., a minor child; KEELY BURKS

Plaintiffs - Appellees

v.

CHARTER DAY SCHOOL, INC.; ROBERT P. SPENCER, in his capacity as  
member of the Board of Trustees of Charter Day School, Inc.; CHAD ADAMS, in  
his capacity as member of the Board of Trustees of Charter Day School, Inc.;  
SUZANNE WEST, in her capacity as member of the Board of Trustees of Charter  
Day School, Inc.; COLLEEN COMBS, in her capacity as member of the Board of  
Trustees of Charter Day School, Inc.; TED BODENSCHATZ, in his capacity as  
member of the Board of Trustees of Charter Day School, Inc.; MELISSA GOTT,  
in her capacity as member of the Board of Trustees of Charter Day School, Inc.

Defendants - Appellants

and

THE ROGER BACON ACADEMY, INC.

Defendant

-----  
NORTH CAROLINA INSTITUTE FOR CONSTITUTIONAL LAW; CIVITAS  
INSTITUTE, INC.; PAUL B. STAM, JR.

Amici Supporting Appellants

NATIONAL WOMEN'S LAW CENTER; A BETTER BALANCE; AMERICAN ASSOCIATION OF UNIVERSITY WOMEN; AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES; AMERICAN FEDERATION OF TEACHERS; ANTI-DEFAMATION LEAGUE; AUTISTIC SELF ADVOCACY NETWORK; BOLD FUTURES; CALIFORNIA WOMEN LAWYERS; CLEARINGHOUSE ON WOMEN'S ISSUES; COALITION OF LABOR UNION WOMEN; DESIREE ALLIANCE; DISABILITY RIGHTS ADVOCATES; DISABILITY RIGHTS EDUCATION & DEFENSE FUND; END RAPE ON CAMPUS; EQUALITY CALIFORNIA; FEMINIST MAJORITY FOUNDATION; FORGE, INCORPORATED; GENDER JUSTICE; GIRLS FOR GENDER EQUITY; GIRLS INC.; GLBTQ LEGAL ADVOCATES & DEFENDERS; HUMAN RIGHTS CAMPAIGN; KENTUCKY ASSOCIATION OF SEXUAL ASSAULT PROGRAMS; KWH LAW CENTER FOR SOCIAL JUSTICE AND CHANGE; LEGAL AID AT WORK; LEGAL MOMENTUM; LEGAL VOICE; NATIONAL ASSOCIATION OF SOCIAL WORKERS; NATIONAL ASSOCIATION OF WOMEN LAWYERS; NATIONAL CENTER FOR TRANSGENDER EQUALITY; NATIONAL COUNCIL OF JEWISH WOMEN; NATIONAL CRITTENTON; NATIONAL NETWORK TO END DOMESTIC VIOLENCE; NATIONAL ORGANIZATION FOR WOMEN FOUNDATION; NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES; NATIONAL WOMEN'S POLITICAL CAUCUS; OKLAHOMA CALL FOR REPRODUCTIVE JUSTICE; PARTNERSHIP FOR WORKING FAMILIES; RELIGIOUS COALITION FOR REPRODUCTIVE CHOICE; SHRIVER CENTER ON POVERTY LAW; SISTERREACH; SOUTHERN POVERTY LAW CENTER; STOP SEXUAL ASSAULT IN SCHOOLS; THE AFIYA CENTER; THE WOMEN'S LAW CENTER OF MARYLAND; TRANSGENDER LAW CENTER; WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS; WOMEN LAWYERS ON GUARD INC.; WOMEN WITH A VISION, INC.; WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA; WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK; WOMEN'S INSTITUTE FOR FREEDOM OF THE PRESS; WOMEN'S LAW PROJECT; WOMEN'S MEDIA CENTER; WOMEN'S RIGHTS AND EMPOWERMENT NETWORK; WOMEN'S ALL POINTS BULLETIN; NATIONAL EDUCATION ASSOCIATION; NORTH CAROLINA ASSOCIATION OF EDUCATORS; THE SOCIETY FOR RESEARCH IN CHILD DEVELOPMENT; THE SOCIETY FOR THE PSYCHOLOGICAL STUDY OF SOCIAL ISSUES; THE COGNITIVE DEVELOPMENT SOCIETY; THE SOCIETY FOR RESEARCH ON ADOLESCENCE; PROFESSOR RUTHANN ROBSON

Amici Supporting Appellees

NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS

Amicus Supporting Rehearing Petition

---

No. 20-1023  
(7:16-cv-00030-H-KS)

---

BONNIE PELTIER, as Guardian of A.P., a minor child; ERIKA BOOTH, as  
Guardian of I.B., a minor child; KEELY BURKS

Plaintiffs - Appellants

v.

CHARTER DAY SCHOOL, INC.; ROBERT P. SPENCER, in his capacity as  
member of the Board of Trustees of Charter Day School, Inc.; CHAD ADAMS, in  
his capacity as member of the Board of Trustees of Charter Day School, Inc.;  
SUZANNE WEST, in her capacity as member of the Board of Trustees of Charter  
Day School, Inc.; COLLEEN COMBS, in her capacity as member of the Board of  
Trustees of Charter Day School, Inc.; TED BODENSCHATZ, in his capacity as  
member of the Board of Trustees of Charter Day School, Inc.; MELISSA GOTT,  
in her capacity as member of the Board of Trustees of Charter Day School, Inc.

Defendants - Appellees

and

THE ROGER BACON ACADEMY, INC.

Defendant

-----  
NATIONAL WOMEN'S LAW CENTER; A BETTER BALANCE; AMERICAN  
ASSOCIATION OF UNIVERSITY WOMEN; AMERICAN FEDERATION OF  
STATE, COUNTY, AND MUNICIPAL EMPLOYEES; AMERICAN

FEDERATION OF TEACHERS; ANTI-DEFAMATION LEAGUE; AUTISTIC SELF ADVOCACY NETWORK; BOLD FUTURES; CALIFORNIA WOMEN LAWYERS; CLEARINGHOUSE ON WOMEN'S ISSUES; COALITION OF LABOR UNION WOMEN; DESIREE ALLIANCE; DISABILITY RIGHTS ADVOCATES; DISABILITY RIGHTS EDUCATION & DEFENSE FUND; END RAPE ON CAMPUS; EQUALITY CALIFORNIA; FEMINIST MAJORITY FOUNDATION; FORGE, INCORPORATED; GENDER JUSTICE; GIRLS FOR GENDER EQUITY; GIRLS INC.; GLBTQ LEGAL ADVOCATES & DEFENDERS; HUMAN RIGHTS CAMPAIGN; KENTUCKY ASSOCIATION OF SEXUAL ASSAULT PROGRAMS; KWH LAW CENTER FOR SOCIAL JUSTICE AND CHANGE; LEGAL AID AT WORK; LEGAL MOMENTUM; LEGAL VOICE; NATIONAL ASSOCIATION OF SOCIAL WORKERS; NATIONAL ASSOCIATION OF WOMEN LAWYERS; NATIONAL CENTER FOR TRANSGENDER EQUALITY; NATIONAL COUNCIL OF JEWISH WOMEN; NATIONAL CRITTENTON; NATIONAL NETWORK TO END DOMESTIC VIOLENCE; NATIONAL ORGANIZATION FOR WOMEN FOUNDATION; NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES; NATIONAL WOMEN'S POLITICAL CAUCUS; OKLAHOMA CALL FOR REPRODUCTIVE JUSTICE; PARTNERSHIP FOR WORKING FAMILIES; RELIGIOUS COALITION FOR REPRODUCTIVE CHOICE; SHRIVER CENTER ON POVERTY LAW; SISTERREACH; SOUTHERN POVERTY LAW CENTER; STOP SEXUAL ASSAULT IN SCHOOLS; THE AFIYA CENTER; THE WOMEN'S LAW CENTER OF MARYLAND; TRANSGENDER LAW CENTER; WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS; WOMEN LAWYERS ON GUARD INC.; WOMEN WITH A VISION, INC.; WOMEN'S BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA; WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK; WOMEN'S INSTITUTE FOR FREEDOM OF THE PRESS; WOMEN'S LAW PROJECT; WOMEN'S MEDIA CENTER; WOMEN'S RIGHTS AND EMPOWERMENT NETWORK; WOMEN'S ALL POINTS BULLETIN; NATIONAL EDUCATION ASSOCIATION; NORTH CAROLINA ASSOCIATION OF EDUCATORS; THE SOCIETY FOR RESEARCH IN CHILD DEVELOPMENT; THE SOCIETY FOR THE PSYCHOLOGICAL STUDY OF SOCIAL ISSUES; THE COGNITIVE DEVELOPMENT SOCIETY; THE SOCIETY FOR RESEARCH ON ADOLESCENCE; PROFESSOR RUTHANN ROBSON

*Amici Supporting Appellants*

NORTH CAROLINA INSTITUTE FOR CONSTITUTIONAL LAW; CIVITAS INSTITUTE, INC.; PAUL B. STAM, JR.

Amici Supporting Appellees

---

O R D E R

---

A majority of judges in regular active service and not disqualified having voted in a requested poll of the court to grant the petition for rehearing en banc,

IT IS ORDERED that rehearing en banc is granted.

The parties and any amici curiae shall file 16 additional paper copies of their briefs and appendices previously filed in this case within 10 days. Copies of amici briefs relating to a petition for rehearing or rehearing en banc are not required. The parties may move, or the court may sua sponte order, the filing of supplemental en banc briefs pursuant to Local Rule 35(d).

This case will be tentatively calendared for the next available oral argument session.

For the Court

/s/ Patricia S. Connor, Clerk