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IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAI'I

PAUL POE and PAULINE POE, individually  
and as guardians of JANE POE, a minor,

Plaintiffs,

vs.

MAUI PREPARATORY ACADEMY,

Defendant.

Case No. \_\_\_\_\_  
(Civil Action)

**COMPLAINT; SUMMONS**

## COMPLAINT

### I. INTRODUCTION

1. In December 2024, Maui Preparatory Academy (“Maui Prep”) announced a new policy (“the Policy”): transgender students would no longer be allowed to use facilities, play on sports teams, or room with students of the same gender.

2. According to the Policy, which would be enforced beginning in the 2025–2026 school year, transgender students, whose gender differs from their sex assigned at birth, are restricted to their sex assigned at birth for participation in gender-segregated spaces and activities.

3. Thus, students who are transgender must use bathrooms and locker-rooms with students of the *opposite* gender. During school trips, they are assigned accommodations with students of the *opposite* gender. And they are required to participate on sports teams, even in middle school, with students of the *opposite* gender.

4. Maui Prep’s new policy of exclusion, which contravenes prevailing expert recommendations, overturned a longstanding policy of inclusion and support for gender-non-conforming students, without even soliciting input from community members, faculty, or experts knowledgeable about transgender experiences.

5. Indeed, before enacting this discriminatory Policy, Maui Prep surreptitiously removed “gender identity and expression” as a protected characteristic in their non-discrimination policy, showing that the school was fully aware of (and comfortable with) the fact that the Policy is discriminatory.

6. As Maui Prep was well aware, when the new Policy was announced, Plaintiff Jane Poe—then nine years old and in third grade—was the only known transgender student at the school.

7. Since preschool, Maui Prep had treated Jane as a girl, using female pronouns and girls’ facilities. Many of her classmates did not know she was transgender.

8. For Jane, a shy child who simply wants to be accepted for who she is, the Policy would be publicly humiliating. It would require school staff to treat her differently from her cisgender female classmates and force her to “come out” to her classmates and teachers every time she uses the restroom, changes for gym or school performances, or plays sports.

9. The announcement of the Policy came as a shock to Jane and her family. Jane’s parents had relied on Maui Prep’s original non-discrimination policy, which promised *not* to discriminate based on “gender identity and expression,” and the school’s stated policies of “live aloha” and inclusion when they enrolled Jane in preschool and continued to keep her enrolled after learning she was transgender.

10. Jane had hoped to graduate high school at Maui Prep, but the announcement of the Policy forced her to leave the school rather than suffer the humiliation of being singled out for disparate treatment multiple times each day.

11. Maui Prep’s Policy defies expert recommendations about how transgender students should be treated in schools—including recommendations by one of Maui Prep’s own accrediting organizations.

12. Further, by singling out transgender students for disparate treatment, the Policy violates Hawaii’s anti-discrimination law, which prohibits schools that receive state funding from

discriminating against students “on the basis of sex, including gender identity[.]” Hawai‘i Revised Statutes (“HRS”) § 368D-1.

13. Maui Prep has acknowledged it received payments from the State of Hawai‘i in the 2024–2025 school year, and upon information and belief, Maui Prep will be receiving the same payments for the 2025–2026 school year. Thus, Maui Prep is prohibited from discriminating against students.

14. Moreover, even as Maui Prep sanctioned discrimination against transgender students, the school continued—and continues—to hold itself out as an inclusive, supportive environment, advertising its commitment to “live aloha” and to Hawaiian values, including accepting and appreciating the differences in others.

15. “Aloha” is not a marketing gimmick—it is a central tenet of Native Hawaiian culture, with a distinct meaning of acceptance and inclusion:

“Aloha” is more than a word of greeting or farewell or a salutation. “Aloha” means mutual regard and affection and extends warmth in caring with no obligation in return. “Aloha” is the essence of relationships in which each person is important to every other person for collective existence.

HRS § 5-7.5.

16. Maui Prep’s Policy is the antithesis of aloha: “We need only look to the mahu of Hawai‘i, the leiti of Tonga, and the fa‘afafine of Samoa, to understand that our Pacific heritage has long acknowledged the beauty, value, and power of people beyond the heteronormative, and recognizes the complexity of the human experience beyond the binary of male and female.”<sup>1</sup>

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<sup>1</sup> Ian F. Tapu, Rebecca A. Copeland, *Cultural Competency in Hawai‘i: Affirming Gender Identity and Expression*, Haw. B.J., October 2019, at 20, 23.

17. Thus, by enacting a discriminatory policy and silently removing “gender identity and expression” from the school’s non-discrimination policy—while simultaneously advertising the school’s commitment to “aloha,” inclusivity and acceptance of others—Maui Prep engaged in unfair and deceptive business practices in violation of HRS § 480-2, which prohibits “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce.”

18. In this action, Jane and her Parents assert that Maui Prep has violated HRS § 368D-1 and HRS § 480-2. They seek compensatory damages, statutory damages, and declaratory and injunctive relief for Maui Prep’s violation of state law.

## **II. JURISDICTION AND VENUE**

19. This Court has jurisdiction over the claims in this action pursuant to HRS § 603-21.5 and § 632-1.

20. Venue is proper in this court pursuant to HRS§ 603-36 because the claims for relief arose within this circuit.

## **III. PARTIES**

21. Plaintiff JANE POE (“Jane”) is a transgender, minor child who was enrolled as an elementary school student at Maui Prep from preschool through the 2024–2025 school year.

22. PAUL POE (“Father”) and PAULINE POE (“Mother”) are Jane’s parents and next friends. Paul and Pauline Poe (collectively, “Parents”) are married.

23. Defendant MAUI PREPARATORY ACADEMY (“Maui Prep”) is a private school located in West Maui, serving approximately 230 students in preschool through 12th grade. The school is not religiously affiliated. As discussed below, Maui Prep receives state funding.

#### **IV. FACTUAL ALLEGATIONS**

##### **A. Background**

24. Jane is a petite, shy little girl with a passion for history and airplanes.

25. When Jane was born, doctors identified her as male. But Jane started showing signs that she was not a boy when she first began understanding the concept of gender.

26. As Jane realized that some people were “boys” and some people were “girls,” she always insisted, “I’m a girl.”

27. Jane enrolled at Maui Prep as a preschooler when she was three years old. Initially, Parents informed the school that Jane was a boy and used he/him pronouns. At the time, they felt Jane was too young to know that she was not a boy.

28. But as Jane started to realize that other people considered her a boy even though she knew she was a girl, she started to experience significant emotional distress.

29. She began urgently expressing to Parents that she was a girl, getting upset when they did not validate her.

30. She experienced social isolation at school, telling Parents she didn’t have any friends because the girls she wanted to be friends with told her she was a boy.

31. By the time Jane was almost five, she began exhibiting severe signs of anxiety and depression around her gender to the point that Parents were considering holding her back a year in school.

32. Parents consulted a licensed therapist, who suggested that under the circumstances, Jane might be transgender. In accordance with the recommendations of the American Association of Pediatrics and the American Psychological Association, the therapist recommended that Parents support Jane’s desire to use she/her pronouns and socially present as a girl.

33. Parents realized they needed to educate themselves about transgender children, so they began speaking to medical providers and reading books on the topic.

34. Parents were horrified to learn that transgender children are at significantly higher risk for major depression and suicide compared to their cisgender peers, and that affirming children's gender is critical to mitigating that risk.

35. The first time Parents allowed Jane to pick out her own clothes, she chose out a dress and was euphoric. She insisted Parents take a picture of her so they could show everyone that she was a girl.

36. Realizing that being recognized as a girl was critically important to Jane's well-being, Parents verified that Maui Prep had a non-discrimination policy. The non-discrimination policy published on Maui Prep's website at this time stated, "Maui Preparatory Academy seeks to have a diverse student body and has a non-discriminatory policy as to students. The school does not discriminate against applicants or students on the basis of . . . gender, gender identity and expression." Parents relied on this representation when they continued to enroll Jane at Maui Prep and make tuition payments.

37. Parents were also reassured by Maui Prep's "Commitments of Living Aloha" advertised on their website, in their handbook, and in newsletters sent to families, which included the school's commitment to "[f]ocus on the individual as a reflection of our sense of humanity and concern for the well being of each child," and to ho'ohanohano, which the school defined as "[a]ccepting and [a]ppreciating the [d]ifferences of [o]thers." Parents relied on these representations when they continued to enroll Jane at Maui Prep and make tuition payments.

38. Parents met with the Maui Prep Preschool Director, telling her that Jane identified as a girl and asking that staff start using she/her pronouns, as Jane had requested.

39. The school agreed, and Jane’s happiness increased significantly, and her symptoms of anxiety and depression began to disappear.

40. For the next four years, Maui Prep faculty and staff accepted without question that Jane was, for all intents and purposes, a girl.

41. Before Jane started Kindergarten, the Maui Prep headmaster, Dr. Miguel Solis, had all staff take a two-hour seminar about gender and transgender children, so they could better support Jane.

42. Thus, between preschool and third grade, Jane socially presented as a girl, used the girls’ restroom alongside the other girls in her class, and changed in the girls’ restroom for school performances.

43. Jane’s classmates knew her as a girl, and many of them did not know she was transgender.

44. Jane began to thrive, and while she was still very shy, she made close friends and loved attending Maui Prep.

45. Like many of her classmates, Jane survived the Lahaina Wildfires in August 2023, evacuating with her family. While the family’s home was thankfully spared, the experience was traumatic for Jane, and in the weeks and months that followed, Maui Prep became a critically important source of stability for her.

46. Finding Maui Prep to be a supportive environment, Parents intended to have Jane remain at Maui Prep through high school.

**B. Maui Prep Crafted a Discriminatory Policy to Target Transgender Students**

47. However, unbeknownst to Parents, upon information and belief, before the start of the 2024–2025 school year, members of the Board of Trustees began talking about Jane and their concern that something needed “to be done” before she grew older.



48. In late summer 2024, the new president of the Board of Trustees, Tim Hehemann, informed the Board that he had a “new policy” that he wanted to implement, but that he didn’t think it should be written down.

49. Alarmed, one of the Trustees told him that if the school was going to have a policy, especially one that would impact admissions, then it would need to be written down.

50. Mr. Hehemann explained that the “guideline” would be that Maui Prep would not admit transgender students to the school.

51. Several trustees told Mr. Hehemann flatly that the school could not do that and advised Mr. Hehemann to talk to an attorney about what the Board was and wasn’t allowed to do.

52. Subsequently, on September 3, 2024, Mr. Hehemann e-mailed the Board of Trustees telling them, “[b]elow is the gender policy statement that I want to give to the Administration.” He explained that this new “general philosophy” would “help guide the Administration during the initial interview process.”

53. The “initial interview process” referred to in Mr. Hehemann’s e-mail was part of the student admission process at Maui Prep.

54. The document attached to Mr. Hehemann’s e-mail (the “gender policy statement”) stated in relevant part that (1) “no alternative pronouns will be acknowledged,” (2) “[a]ll students participating in sports will do so based on their birth gender,” (3) during overnight school trips “students will be provided accommodations based on the biological birth gender in which an individual was born,” (4) “our restroom facility use is based on biological birth gender,” and (5) “[s]tudents shall dress themselves in the uniform of their birth gender.”

55. The “gender policy statement” instructed Maui Prep administrators to use a “[r]epeatable mantra” that Maui Prep “can not [sic] meet the needs of every student or family,”

giving as examples, students with “repeated disciplinary violations,” who “require extensive tutoring,” who have “violent psychological issues” or “[d]isruptive parents both on campus, off campus, or online.”

56. By equating transgender students with children who have behavioral issues the school showed its prejudice against transgender status because people who are transgender are no more likely to have behavioral or mental health problems than people who are cisgender.

57. Mr. Hehemann informed the board members that he spoke to an attorney who recommended the school “not go so far” as banning transgender students from the school, and that the school would need another plan for how to limit transgender students’ admission.

58. Upon information and belief, Mr. Hehemann crafted the “gender policy statement” as an alternative to a blanket ban on transgender students.

59. Upon information and belief, Mr. Hehemann did not want the Board to discuss the new “gender policy statement” because he did not want the policy formalized with a vote.

60. The Maui Prep headmaster, Dr. Miguel Solis, attended the Board of Trustees’ meetings and informed the Board that their policy was going to significantly impact Jane.

61. Upon information and belief, one goal of the Board’s new policy was to get Jane to leave Maui Prep.

62. In August or September 2024, after discussion by Board members—and without informing the community in any way—Maui Prep quietly removed “gender identity and expression” as a protected characteristic in the non-discrimination policy published on its website (compare *Figure 1* with *Figure 2* below).<sup>2</sup>

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<sup>2</sup> Compare *Non-Discrimination Policy*, MauiPrep.org (archived Aug. 4, 2024), <https://web.archive.org/web/20240804024257/https://www.mauiprep.org/about-mauiprep/non-discrimination-policy>, with *Non-Discrimination Policy*, MauiPrep.org (archived Oct. 5, 2024),

## NON-DISCRIMINATION POLICY

**ABOUT MAUI PREP**

**MESSAGE FROM THE HEAD OF SCHOOL**

**OUR CAMPUS**

**FACULTY AND STAFF**

**CAREERS**

**BOARD OF TRUSTEES**

**NON-DISCRIMINATION POLICY**

**BRAND GUIDE**

### Maui Preparatory Academy Admissions Non-discrimination Policy

Maui Preparatory Academy seeks to have a diverse student body and has a non-discriminatory policy as to students. The school does not discriminate against applicants or students on the basis of

- race
- color
- national or ethnic origin
- religion
- ancestry
- gender
- gender identity and expression
- sexual orientation

The school admits students of any race, color, national or ethnic origin, religion, ancestry, gender, gender identity and expression, or sexual orientation to all the rights, privileges, programs, and activities generally accorded or made available to students at the school.

Maui Prep does not discriminate on the basis of race, color, national or ethnic origin, religion, ancestry, gender, gender identity and expression, or sexual orientation in administering its educational policies, admission policies, scholarship program, loan program, and athletic and other school-administered programs.

*Figure 1: Maui Prep Non-Discrimination Policy as of August 4, 2024 (emphasis added)*

## NON-DISCRIMINATION POLICY

**ABOUT MAUI PREP**

**MESSAGE FROM THE HEAD OF SCHOOL**

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Maui Prep does not discriminate on the basis of race, color, national or ethnic origin, religion, ancestry, gender, or sexual orientation in administering its educational policies, admission policies, scholarship program, loan program, and athletic and other school-administered programs.

*Figure 2: Maui Prep Non-Discrimination Policy as of October 4, 2024*

63. During a phone call between Mr. Hehemann and Trustee Flo Wiger, who was opposed to the new “gender policy statement,” Mr. Hehemann asked Ms. Wiger a question to the effect of, “Tell me why you think it’s OK for kids to be transgender?” When Ms. Wiger referred to the recommendations of inclusivity for transgender students from the American Medical

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<https://web.archive.org/web/20241005155824/https://www.mauiprep.org/about-mauiprep/non-discrimination-policy>.

Association and American Psychiatric Association, Mr. Hehemann responded using words to the effect of, “Let me tell you why I think kids are transgender. Kids are transgender because of bad parenting.”

64. Ms. Wiger informed Mr. Hehemann that the policy was discriminatory and that if Maui Prep accepted state or federal funding, then it could not implement a policy that would discriminate against transgender students.

65. During this conversation, Mr. Hehemann asked Ms. Wiger to resign from the Board.

66. Ms. Wiger attended the Board of Trustees meeting in November 2024 and submitted a letter of resignation, explaining why she believed the “gender policy statement” was wrong.

67. Following Ms. Wiger’s resignation from the Board of Trustees, two other Trustees Qiana Di Bari and Mary Anderson resigned as well.

68. During a Board meeting, Dr. Solis suggested that if they convinced Jane’s family to disenroll her, there would be no need for the school publicize the “gender policy statement”.

69. Upon information and belief, while there was concern that getting rid of Jane would not address any other students at the school who might be transgender, the Board gave Dr. Solis approval to talk to Jane’s parents and inform them of the “gender policy statement,” to see if they would remove her from Maui Prep.

70. Meanwhile, in October or November 2024, without notice to parents, Maui Prep removed the *entire* non-discrimination policy from its website.

**C. Maui Prep Privately Told Parents About the New “Gender Policy Statement,” Pressuring Them to Disenroll Jane for the 2025–2026 School Year**

71. On November 14, 2024, Dr. Solis asked to meet with Parents about Jane. He told Parents the meeting was to “[u]pdate and check in about [Jane]/developments.”

72. On November 19, 2024, Parents met with Dr. Solis in person at Maui Prep. Also present at the meeting were the Maui Prep Academic Dean (Dr. Solis’s wife, Dr. Lisa Zamora), and the school principal (Ryan Kirkham).

73. During this meeting, Dr. Solis told Parents about the “gender policy statement” that Maui Prep had adopted and discussed how the school’s new policy would impact Jane, though he did not tell them the “gender policy statement” was in writing.

74. Parents provided Dr. Solis with more context about Jane, including how not being recognized as a girl threatened her mental health, and Father offered to speak with the Board of Trustees to educate them about transgender issues.

75. Parents also told Dr. Solis that there is no data supporting a fear about transgender children posing a risk to cisgender children in bathrooms; conversely, data shows that many transgender students experience bullying and violence in school bathrooms when schools do not have inclusive policies.

76. Parents explained that transgender students in unaccepting environments face a high risk of suicide, with over 50% making an attempt, and that Maui Prep’s new policy would put Jane at risk.

77. Dr. Solis told Parents that the terms of the “gender policy statement” had already been decided by the Board, but that he would speak to the Board of Trustees, and perhaps it could be changed. He assured Parents this was just the first meeting, implying there would be others. He promised to tell Parents prior to enrollment whether the policy would be implemented.

78. In retrospect, Parents believe that Dr. Solis was not being truthful with them, as he had been present at Board meetings where the Policy was presented as final.

79. Parents were devastated about the news that Jane could be singled out as the only girl not allowed to use girls' facilities at the school.

80. Around this time, Parents realized that Maui Prep's non-discrimination policy had been removed from the school's website.

**D. As Word of the Policy Spread, Maui Prep Denied the Existence of a Policy and Gave Inconsistent Explanations for Why a Policy was Adopted**

81. After the meeting between Parents and Maui Prep administrators, word about the new "gender policy statement" began to spread in the Maui Prep community.

82. On November 20, 2025, one Maui Prep parent called Mr. Hehemann to express concern about the "gender policy statement."

83. He asked Mr. Hehemann explicitly if the Board of Trustees had voted on the new "gender policy statement" but Mr. Hehemann did not answer him, leaving him with the impression the Board had not voted.

84. Mr. Hehemann initially told this parent that the "gender policy statement" was necessary because the school could not afford to construct gender-neutral facilities. But when the parent told Mr. Hehemann he would "welcome a conversation about financially supporting facilities to ensure Maui Prep's inclusive mission and values," Mr. Hehemann declined.

85. That same day, another family called Mr. Hehemann to discuss the "gender policy statement." Mr. Hehemann initially denied that there was such a policy.

86. When these parents listed the provisions that had been communicated to Jane's family, Mr. Hehemann reversed course and conceded there was such "guidance"; however, he denied that the "guidance" was in writing.

87. When asked if the Board of Trustees had voted on the issue, Mr. Hehemann told this family, “the Board does not function that way” and that “there is a chain of command.”

88. Mr. Hehemann also told this family that Maui Prep could not afford to construct gender-neutral bathrooms. The family asked if the school would rescind the policy if it had the money, and offered to discuss the possibility of a donation, but Mr. Hehemann did not respond to their questions.

89. On December 2, 2024, middle school science teacher Vashti Daise overheard two lower school teachers talking about the new “gender policy statement.”

90. That afternoon, Ms. Daise sent an e-mail to Dr. Solis informing him: “If we are not going to allow transgender children to be who they are at this school, I will not be able to teach here next year.”

91. Ms. Daise copied all faculty and staff on the e-mail. From that point on, the “gender policy statement” became public knowledge in the Maui Prep community.

92. On December 5, 2025, a “Maui Prep Concerned Parent” sent an anonymous e-mail to all Maui Prep families raising concerns about the Initial Gender Policy. The e-mail noted, “Maui Prep is supposed to be an ‘Ohana. Among its values is ‘Ho‘ohanohano,’ which means ‘accepting and appreciating the differences in others.’ . . . I tried to find Maui Prep’s nondiscrimination policy on the school website but it is no longer there, which seems to signal the beginning of a much deeper shift away from inclusivity.”

93. Meanwhile, other community members were less supportive and began to express hateful and threatening sentiments about Jane and Parents.

**E. Facing Public Backlash, Maui Prep Formalized and Announced a Watered-Down Policy, but Retained the Core Discriminatory Provisions**

94. On December 9, 2024, Hawaii News Now (HNN) reported on Maui Prep’s new “gender policy statement,” resulting in significant public backlash against the school.

95. On December 11, 2024, the “Maui Prep Concerned Parent” sent a follow-up e-mail to all Maui Prep families, which included links to the original “gender policy statement,” and noted that Mr. Hehemann had “denied the existence of a policy outright and refused to answer whether the Board voted on any such policy” and that “the Administration later admitted to parents that they were instructed by the Board to keep the policy a secret.”

96. Four days later, on December 13, 2024, Maui Prep’s principal, Ryan Kirkham, texted Father asking to have a meeting that afternoon because the Board of Trustees had “formalized their policy.”

97. After consulting with Mother, Father replied to Mr. Kirkham in relevant part:

. . . . If this meeting is simply to notify us of the board of trustees’ decision, please send us an e-mail. The last meeting where we were informed of the policies was quite traumatic for our family and we don’t wish to put ourselves through that again... If the intent of the meeting is to have a constructive discussion over the merits of the policies, and the board would like to hear from a family of a transgender child before making their decision we are more than happy to meet with them.

98. Mr. Kirkham responded that the school would “forego a meeting” because the Board of Trustees “is wanting to communicate their written policy more broadly.”

99. Shortly thereafter, the Maui Prep Board of Trustees issued a letter informing the community, “the board has unanimously voted to adopt an official policy which will be implemented at the beginning of the 2025/2026 school year.”

100. The letter did not mention that three Trustees had resigned and/or been forced to resign in protest against the Policy.



101. Attached to the Board of Trustee’s letter was a “Policy on Names/Pronouns, Dress Code, Overnight Stays, Athletics, Facilities, and Support & Communication” (“the Policy”) dated December 13, 2024.

102. In relevant part, the Policy stated: “Maui Prep recognizes biological sex assigned at birth as the basis for determining participation in athletics, overnight stays, and access to facilities such as bathrooms and locker rooms.”

103. After receiving a copy of the Policy, Mother reached out to Mr. Kirkham via e-mail to ask for clarification about the dress code and bathroom policy.

104. Mr. Kirkham told Mother that Jane would be permitted to wear clothing of her choice, but that for school events such as May Day—a school holiday when the children dress up for a performance and Jane usually wore a floral dress—Jane would “need to change in a facility/room according to their sex at birth or, as an accommodation/alternative-location, in a single-user environment.”

105. Mr. Kirkham further explained,

The bathroom in the administrative building can be used if a student does not want to use a facility/restroom in accordance to their sex at birth. This is the only single-user restroom that we have on campus that is easily accessible to students. . . . The Bozich Center does not have any single-user facilities, therefore, in accordance with the board policy, a student would have to use the bathroom of the sex they were assigned at birth while at the Bozich Center.

106. The Bozich Center houses Maui Prep’s gym and performing arts center.

107. The Administrative Building is a very small office building. The building is so small that everyone in the building, including the Head of School and the Principal, knows when a student comes in.

108. Jane told Parents she would be too embarrassed to ever use the bathroom in that building.

109. Facing the Maui Prep's deadline for Jane's re-enrollment for the 2025–2026 school year, on December 30, 2024, Jane's Parents agreed to re-enroll Jane at Maui Prep, paying the \$1,000.00 deposit and \$22.00 administrative fee.

110. Because Jane is so shy and struggled to make friends in school initially, Parents did not want to separate her from the close friends she had made at Maui Prep. After the instability and disruption caused by the Lahaina wildfires the year before, which deeply impacted Jane emotionally, Parents believed that she needed the security of a familiar environment.

111. Maui Prep is also the only independent school on West Maui (and the local public school, King Kamehameha III Elementary School in Lahaina is still in temporary quarters following the wildfires) so Parents faced limited choices of schools for Jane to attend for fourth grade.

112. Parents hoped that community advocacy and education about transgender students would convince Maui Prep to rescind the Policy prior to the start of the 2025–2026 school year.

**F. Maui Prep Refused to Engage with Community Criticism and Began Retaliating Against Teachers who Criticized the Policy**

113. The announcement of the official Policy caused waves amongst the Maui Prep community.

114. Maui Prep faculty members submitted written objections to the Policy to the “faculty senate,” a group of teachers elected to hear concerns and raise them with the administration anonymously.

115. Several teachers also sent in letters to the LGBTQ+ Commission expressing concern about the Policy and its discriminatory nature.

116. Maui Prep teachers also sent e-mails to administrators and board members objecting to the Policy.

117. Upon information and belief, at least one teacher told the school that the Policy as written violates HRS § 368D-1, Hawaii's state corollary to Title IX that prohibits discrimination by educational institutions. They did not receive a response from the administration.

118. Maui Prep teachers asked for there to be a faculty meeting or at least a statement from the administration about the policy, as well as the school's expectations around enforcement. Maui Prep refused to hold any group meetings or issue any guidance, instead administrators insisted on only meeting with faculty one-on-one.

119. Many families and community members also wrote to the school objecting to the Policy and asking for a town hall. Administrators promised that a town hall would take place but insisted on meeting with families one-on-one first.

120. Maui Prep would ultimately refuse to schedule a town hall.

121. Some faculty members began wearing LGBTQ+ friendly pins that said, "You are Safe with Me." At least one teacher faced discipline for wearing such a pin.

122. In February 2025, Jane's soon-to-be fourth grade teacher spoke to Dr. Solis about the Policy.

123. When Dr. Solis told her that he wanted her to return to teach at the school for the 2025–2026 school year, she expressed concern that the school had not issued any guidance about how the Policy was to be enforced or what her responsibilities would be.

124. Dr. Solis waved off her concern, telling her not to worry because Jane would not be at the school for the 2025–2026 school year.

125. Another teacher, Vashti Daise, who had notified faculty and staff about the “gender policy statement,” was terminated in the middle of the semester, on February 28, 2025.

126. Many other teachers who had spoken out against the Policy did not have their contracts renewed, regardless of how long they had been at the school.

127. Upon information and belief, approximately 70% teachers who had expressed opposition to the Policy did not have their contracts renewed. Overall, almost a quarter of the Maui Prep faculty—including teachers who had been teaching at Maui Prep since it was founded over twenty years ago—were let go after the 2024–2025 school year.

**G. Maui Prep’s Policy is Discriminatory and Defies Expert Guidance from Professional Organizations**

128. As reported on its website, Maui Prep is accredited by the National Association of Independent Schools (“NAIS”), Hawai‘i Association of Independent Schools (“HAIS”), and the Western Association of Schools and Colleges (“WASC”).

129. Maui Prep is also a member of the Maui Interscholastic League (“MIL”), which coordinates high school sporting events on Maui.

130. In recent years, a number of professional organizations, including the NAIS and MIL, have offered guidance about how schools should treat students who are transgender.

131. The American Association of Pediatrics (“AAP”) supports gender-inclusive policies, explaining, “[a] lack of explicit [school] policies that protected youth who identified as [transgender or gender diverse] was associated with increased reported victimization, with more than half of students who identified as LGBTQ reporting verbal harassment because of their gender expression.”<sup>3</sup>

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<sup>3</sup> Jason Rafferty, MD., et al., *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents* at 9, Am. Academy of Pediatrics (Aug. 2023), available at <https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring->

132. The American Psychological Association (“APA”) similarly supports inclusive policies:

[Transgender] individuals often experience discrimination due to a lack of civil rights protections for their gender identity or expression. . . . This extends to public bathrooms, sports teams, and other public single-gender organizations and spaces. . . . [D]iscrimination and lack of equal civil rights are damaging to the mental health of transgender and gender non-conforming gender diverse individuals. . . . [And so the] APA opposes all forms of discrimination against transgender and gender non-conforming individuals.<sup>4</sup>

133. The NAIS issued an FAQ for Independent Schools entitled Transgender Students and School Bathrooms,” explaining the importance of schools to allowing transgender students to use bathrooms consistent with their gender identity.

134. In particular, the NAIS explained that having transgender students to use a “private” single-stall bathroom is not an accommodation but still actively harms students:

Transgender students can face many barriers to acceptance at school, and requiring them to use a bathroom that is designated especially for them is tremendously stigmatizing. A school’s insistence that they be segregated from their peers also sends a message that the student’s gender identity is not real or valid. This represents an official refutation of the child’s sense of self. Coming from the very adults charged with protecting them, this can be devastating to the child’s sense of safety. If forced to use a private space, many transgender students will simply not use any bathroom at school, compromising their health and interfering with their ability to focus on learning as they monitor their water intake, avoid foods that will make them thirsty, and/or try to wait until they get home to go to the bathroom. Make no mistake about it: Not allowing a transgender student to use the restroom consistent with their gender identity causes harm — emotionally, physically, academically, and socially. It is not a matter of discomfort. Explicitly denying a

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[Comprehensive-Care-and-Support-for?autologincheck=redirected.](#)

<sup>4</sup> *Position Statement on Discrimination Against Transgender and Gender Non-Conforming Individuals*, American Psychiatric Association, (updated Dec. 2024) <https://www.psychiatry.org/getattachment/ad686aa4-8ca9-4a92-b007-cf05a50f8e78/Position-2018-Discrimination-Against-Transgender-and-Gender-Diverse-Individuals.pdf>.

transgender student access to the bathroom corresponding to their gender identity endangers their health and well-being.

135. On December 6, 2024, a Maui Prep teacher shared these NAIS recommendations with Mr. Hehemann (the Board President), Dr. Solis (Head of School), and Mr. Kirkham (School Principal). So, as it was crafting the Policy, Maui Prep was well aware of this guidance from one of its accrediting organizations.

136. In 2021, the Maui Interscholastic League issued a “Transgender Policy” stating, “all students should have the opportunity to participate in MIL Athletic events in a manner that is consistent with their gender identity or gender expression, irrespective of the sex listed on a student’s MIL School Registration Records[.]”

137. The MIL Transgender Policy set out detailed guidelines regarding transgender student participation in sports, after working with numerous experts and stakeholders to develop the policy over the course of a year-and-a-half.

138. In January 2025, after news of the Policy became public, the MIL sent Maui Prep a letter stating that the Policy as written seemingly violated the MIL Transgender Policy, which applied to all schools participating in the MIL.

139. After a discussion with the MIL, in April 2024, Maui Prep agreed that it would change the Policy to state that the school would “defer to any existing MIL policies regarding student participation in MIL events.”

140. This means that the Policy still applies to students playing in non-MIL events, such as middle school sports.

**H. Maui Prep Receives Money from the State of Hawai‘i and Therefore is Prohibited from Discriminating Against Students on the Basis of Sex and Gender Identity**

141. HRS § 368D-1 prohibits all public and certain private schools from discriminating against students “on the basis of sex, including gender identity or expression[.]”

142. The law—which is Hawaii’s state corollary to the federal Title IX statute—applies to any accredited private school that receives “state financial assistance, in any amount, for any purpose[.]” HRS § 368D-3.

143. In years past, Maui Prep has received state funding. The Maui Prep 2023–2024 Giving Report noted the school received a Hawai‘i Department of Human Services grant from PATCH for the 2023–2024 school year and that the Hawai‘i Department of Education had contributed over \$350,000.00 to the school.

144. For the 2024–2025 school year, Maui Prep received financial assistance from the State of Hawai‘i from at least two funding sources.

145. First, Maui Prep received monthly payments from the Hawai‘i Department of Human Services for the 2024–2025 school year beginning on June 25, 2024.

146. In May 2025, Maui Prep confirmed that it received money in 2024–2025 as part of the Hawai‘i DHS Preschool Open Doors program, administered by People Attentive to Children (“PATCH”).

147. Second, upon information and belief, for the 2024–2025 school year, Maui Prep applied for and received a grant from the Hawai‘i State Department of Education (“Title I Grant”) to hire paraprofessionals for student support.

148. Maui Prep used a third-party contractor, FACTS, to administer the grant on its behalf.

149. Maui Prep’s 2024–2025 paraprofessional employment agreement made it clear that the paraprofessional was an employee of Maui Prep but that FACTS would be administering pay and benefits.

150. The FACTS agreement for the 2024–2025 school year specified that paraprofessionals would be paid from Title I funds.

151. Upon information and belief, FACTS is not a Title I recipient. Rather, private schools apply for Title I grants through their local departments of education. If schools are awarded a grant, then FACTS can submit invoices to the State directly, but funds will still be pulled from the state money allocated to the private school.

152. Thus, upon information and belief, Maui Prep applied for a Title I Grant from the Hawai‘i Department of Education, and to administer the grant, FACTS drew on state funding allocated to Maui Prep.

153. Upon information and belief, Maui Prep has and will be receiving financial assistance from the State of Hawai‘i for the 2025–2026 school year.

154. In a newsletter sent to families in January 2025, Maui Prep urged parents to apply for Preschool Open Doors through DHS and PATCH Hawai‘i, providing instructions for submitting applications for the 2025–2026 school year.

155. In June 2025, Dr. Solis publicly announced the hire of a new Maui Prep preschool director for the 2025–2026 school year, stating that she would ensure the school’s continued compliance with DHS licensing and PATCH requirements.

156. As of the date of filing, Maui Prep remains listed on the PATCH website as a school that receives payments from DHS.<sup>5</sup>

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<sup>5</sup> This listing was last updated on August 25, 2025.



157. With respect to the Title I funding, Maui Prep recently hired a new faculty member—Mr. Richard Merrill—to “support the FACTS program” for the 2025–2026 school year. Maui Prep’s website confirms that the school continues to employ at least three paraprofessionals now that the 2025–2026 school year has started.

**I. Maui Prep Refused to Rescind the Policy Even After Being Informed that the Policy was Discriminatory and Illegal**

158. Despite clearly receiving state funding and being notified by faculty and Board members that the Policy violated HRS § 368D-1, Maui Prep solidified its stance on the Policy during the second half of the 2024–2025 school year.

159. On January 31, 2025, the Hawai‘i State LGBTQ+ Commission sent a letter to the Maui Prep Board of Trustees stating that it “strongly condemns [Maui Prep’s] discriminatory policy and urges [the school] to reconsider the profound harm it will impact on your students and the broader community.”

160. The LGBTQ+ Commission explained that Hawai‘i has “a long and rich history of inclusion and respect for māhū and gender-diverse individuals” and that “these identities are deeply woven into the cultural and spiritual fabric of our islands.”

161. The letter informed Maui Prep that policies targeting and marginalizing gender-diverse students have been linked to increased rates of anxiety, depression, and suicide.

162. The LGBTQ+ Commission also demanded that Maui Prep return all state and county funds it had received.

163. Maui Prep never formally responded to the LGBTQ+ Commission letter.

164. Instead, the Treasurer of the Board of Trustees, Mark Merrill, sent the LGBTQ+ Commission a vitriolic e-mail, accusing the commission of slander.

165. On March 3, 2025, the LGBTQ+ Commission sent a second letter again demanding that Maui Prep rescind the Policy or return all public funds received.

166. Maui Prep never responded to the LGBTQ+ Commission's second letter.

167. On April 9, 2025, the ACLU of Hawai'i sent a demand letter to Maui Prep outlining how the Policy violates HRS § 368D-1 and explaining that the funding Maui Prep receives means that HRS § 368D-1 applies to the school.

168. The demand letter previewed the facts uncovered by the ACLU of Hawai'i investigation into Maui Prep's discriminatory conduct.

169. On May 15, 2025, Maui Prep, through its attorney, responded to the April 9 demand letter, but did not deny that the Policy as written violated the non-discrimination provisions of HRS § 368D-1.

170. Maui Prep's May 15 response contained numerous assertions that were inaccurate and/or contradicted by documentary evidence—for example, that the initial "gender policy statement" was not intended to influence the school's admissions policies (when Mr. Hehemann's e-mail to the Trustees stated otherwise), and that the school did not receive state funding (when the letter confirmed that the school received money from the Hawai'i Department of Human Services).

171. On June 12, 2025, the ACLU of Hawai'i replied to Maui Prep, pointing out examples of their response's inaccuracies and asking the school to clarify whether it would rescind the Policy and commit to "reaffirm the rights of transgender and gender diverse students who attend Maui Prep, as requested in our initial letter."

172. Maui Prep never responded to the ACLU of Hawaii's June 12 letter.

**J. Because of the Policy, Jane Was Forced To Leave Maui Prep Before the 2025–2026 School Year Began**

173. Jane, through Parents, paid tuition, fees, and costs to Maui Prep for the 2024–2025 school year.

174. And Jane, through Parents, paid a non-refundable deposit to Maui Prep for the 2025–2026 school year.

175. Although Jane (and Parents) had intended to remain at Maui Prep through her graduation from high school, at the end of June 2025, Parents disenrolled Jane for the 2025–2026 school year because their efforts to convince the school to rescind the Policy had failed.

176. Accordingly, Parents withdrew Jane’s enrollment for the 2025–2026 school year. In so doing, Jane forfeited the enrollment deposit.

177. Jane wishes to return to Maui Prep, particularly as it is a smaller school environment where she could grow up alongside the same group of friends, which is ideal for students as shy as Jane.

178. However, for her own safety, Jane cannot return to Maui Prep while the Policy is in place.

179. Meanwhile, the 2025–2026 school year at Maui Prep began on August 6, 2025.

180. As of the start of school, the Policy still appears in the Maui Prep Parent Student Handbook.

**K. Maui Prep Continues to Deceptively Advertise its Commitment to Inclusivity and Aloha, Though the Discriminatory Policy Remains in Effect**

181. On its website, Maui Prep continues to advertise its commitment to “live aloha,”<sup>6</sup> claiming that its tenets of Living Aloha are “rooted in Hawaiian values.”

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<sup>6</sup> *Message from Head of School*, MauiPrep.org, (last visited Aug. 30, 2025)

182. Maui Prep does not simply refer to the term “aloha” generally—it purports to anchor the school’s “fundamental values, beliefs, and attitudes upon which we structure our behavior and decisions” in Hawaiian cultural values that make up aloha.<sup>7</sup>

183. The Maui Prep Parent-Student Handbook, which is posted online, begins with the “Maui Prep 10 Commitments to Living Aloha” (depicted below).

**B. MAUI PREP 10 COMMITMENTS TO LIVING ALOHA**

Our character and personality as a school community are represented in our fundamental values, beliefs, and attitudes upon which we structure our behavior and decisions:

- ***Mahalo - Living with Gratitude...living in thankfulness of the richness that makes life so precious.***
- ***Pono - Exemplifying the Highest Moral and Ethical Behavior... in our lives and in our interactions with others. The value of integrity, rightness, and balance. The feeling of contentment when all is good and all is right.***
- ***Kuleana - Upholding My Responsibilities...one's personal sense of responsibility. "I accept my responsibilities and I will be held accountable."***
- ***Mālama 'Āina - Promoting Environmental Stewardship... developing an appreciation for and commitment to preserving our unique island environment.***
- ***Kina'ole - Always Doing the Right Thing...doing the right thing, in the right way, at the right time, in the right place, to the right person, for the right reason, with the right feeling...the first time!***
- ***Ho'ohanohano - Accepting and Appreciating the Differences in Others...allowing us to grow with open minds and kind souls. To honor the dignity of others. Conduct yourself with distinction and cultivate respectfulness.***
- ***'Imi Ola - Pursuing Excellence... in everything we try to accomplish ~ working every day to be better than the day before.***
- ***Lokahi - Working Together to Achieve More...the value of teamwork: collaboration and cooperation. Harmony and unity. People work together can achieve more.***
- ***Ho'omau - Seeking and Appreciating Challenges... to test our resolve, strength, conviction, and maturity. The value of perseverance. To persist, to continue, to perpetuate. Never give up.***
- ***'Ike Loa - Embracing Lifelong Learning...the value of learning. To know well. To seek knowledge and wisdom.***

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<https://www.mauiprep.org/about/message-from-head-of-school> [<https://perma.cc/N2TD-2KUN>]

<sup>7</sup> Maui Preparatory Academy, *Parent-Student Handbook 5*, (last visited August 30, 2025) <https://docs.google.com/document/d/1lpUchavy6Nxuuy1FP5YJu8ddMX8jFjsFYps1cXzn0DU/edit?tab=t.0> [<https://perma.cc/MQY5-YMQ2>]

184. In August 2025, Maui Prep launched a “Hale” system—seemingly similar to the house sorting system at Hogwarts from *Harry Potter*—in which students are assigned to one of four “Hales,” [sic] and each “Hale” is assigned commitments to Living Aloha.<sup>8</sup>

185. For example, the hallmarks of “Hale Golden Torches” are:

- Qualities: Passion, brightness, and vision. Golden Torch members are radiant and determined.
- Insignia: A flame-shaped “G” with a torch-like “T”
- Colors: Gold and Ochre
- Commitments to Living Aloha: ‘Imi Ola (Pursuing Excellence), Kina‘ole (Always Doing the Right Thing), and Ho‘ohanohano (Accepting and Appreciating the Differences in Others).

186. On its website, Maui Prep advertises that the “Hale System” is “[r]ooted in Hawaiian values and inspired by the 10 Commitments to Living Aloha[.]”<sup>9</sup>

187. A policy of discrimination is fundamentally inconsistent with the value of aloha: “‘Aloha’ means mutual regard and affection and extends warmth in caring with no obligation in return. ‘Aloha’ is the essence of relationships in which each person is important to every other person for collective existence.” HRS § 5-7.5.

188. Inherent in the meaning of “aloha” is respect and honor for the unique role that each person plays in the community, regardless of whether they are kāne (male), wahine (female) or māhū.<sup>10</sup>

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<sup>8</sup> *Life at Maui Prep: Maui Prep House System*, MauiPrep.org (last visited Aug. 30, 2025), <https://www.mauiprep.org/student-life/life-at-maui-prep> [<https://perma.cc/9ZS3-BZP8>]

<sup>9</sup> *Id.*; see also *News Detail: Maui Prep’s Hale System to Debut at Special Assembly* (Aug. 11, 2025), <https://www.mauiprep.org/news-detail?pk=977056> [<https://perma.cc/QN94-SVUN>]

<sup>10</sup> KHON2News, *A Cultural Understanding of Māhū*, (Jan. 28, 2021), [https://www.youtube.com/watch?v=C4f5\\_fY6pzA](https://www.youtube.com/watch?v=C4f5_fY6pzA).

189. In Hawaiian culture, the term “māhū” refers to people whose essence has both male and female qualities. In Western terms, they would be considered part of the LGBTQ+ community.<sup>11</sup>

190. Historically, māhū were “celebrated . . . and revered not just as healers, but beloved caretakers, and teachers who passed down intergenerational knowledge.”<sup>12</sup> Hawai‘i law protects this cultural heritage.

191. In 2017, during the first administration of President Trump, the federal government rescinded federal anti-discrimination protections for transgender students, opining that discrimination against transgender students did not qualify as “discrimination on the basis of sex” under Title IX.<sup>13</sup>

192. During the next legislative session, in 2018, the Hawai‘i State Legislature took steps to protect transgender students through Act 110, a new state law protecting students from education discrimination: “A state corollary to [Title IX] is critically needed in light of the current federal administration’s efforts to dismantle federal anti-discrimination laws. . . . no individual should be discriminated against on the basis of sex, gender identity or expression, or sexual orientation in any educational program or activity.”<sup>14</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> Libby Leonard, *Hawaii’s Māhū—and Their Ancient History—Are Finally Re-Embraced*, National Geographic (May 8, 2023), available at <https://kapaemahu.com/2023/05/hawaiis-mahu-and-their-ancient-history-are-finally-re-embraced/>.

<sup>13</sup> David Smith and Molly Redden, *Trump Administration Rescinds Obama-era Protections for Transgender Students*, The Guardian, <https://www.theguardian.com/us-news/2017/feb/22/transgender-students-bathroom-trump-obama> (Feb. 23, 2017).

<sup>14</sup> S. Stand. Comm. Rep. No. 3183 (2018), [https://www.capitol.hawaii.gov/sessions/session2018/CommReports/HB1489\\_SD1\\_SSCR3183\\_.htm](https://www.capitol.hawaii.gov/sessions/session2018/CommReports/HB1489_SD1_SSCR3183_.htm)

193. Unlike the federal Title IX, Act 110 (later codified at HRS § 368D) explicitly prohibited discrimination on the basis of gender identity or expression, evincing a strong public policy against anti-transgender discrimination.

194. Maui Prep's Policy, which prohibits transgender students from using facilities based on their gender, not only fails to live up to the ethos of aloha, it also violates Hawaii's strong public policy against discrimination.

195. By claiming to "live aloha" and touting "Hawaiian values," while also championing a discriminatory policy, Maui Prep unfairly and deceptively appropriates the history and traditions of Hawai'i.

## **V. CLAIMS FOR RELIEF**

### **FIRST CLAIM FOR RELIEF Educational Discrimination in Violation of Hawai'i Revised Statute (HRS) § 368D-1**

196. Plaintiffs hereby incorporate all preceding paragraphs as if fully set forth herein.

197. HRS § 368D-1(a) provides: "No person in the State, on the basis of sex, including gender identity or expression as defined in section 489-2, or sexual orientation as defined in section 489-2, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any covered educational program or activity."

198. Under HRS § 368D-3, any accredited private school that receives state financial assistance must follow the non-discrimination provisions of HRS § 368D-1.

199. Maui Prep is a private school accredited by the Hawai'i Association of Independent Schools (HAIS), the Western Association of Schools and Colleges (WASC), and the National Association of Independent Schools (NAIS).

200. In the 2024–2025 school year, Maui Prep announced a Policy that discriminates against students on the basis of sex and gender identity.

201. The school began acting on that Policy during the 2024–2025 school year, using the threat of the Policy to exclude Jane from the school and discriminate against her.

202. Upon information and belief, in the 2025–2026 school year, Maui Prep formally implemented the Policy, in violation of HRS § 368D-1.

203. As a result of Maui Prep’s Policy, Jane had to withdraw from Maui Prep, leaving behind her friends, and letting go of the dream that she would graduate from Maui Prep alongside classmates she had been with since preschool.

204. By withdrawing, Jane forfeited her enrollment deposit to Maui Prep.

205. Plaintiffs are therefore entitled to compensatory economic damages, declaratory relief, injunctive relief, and reasonable attorneys’ fees and costs for this violation.

**SECOND CLAIM FOR RELIEF**  
**Unfair Business Practices in Violation of HRS § 480-2**

206. Plaintiffs hereby incorporate all preceding paragraphs as if fully set forth herein.

207. HRS § 480-2(a) prohibits the use of “unfair” acts or practices in the conduct of trade or commerce.

208. Plaintiffs are consumers, within the meaning of HRS § 480-2(d), in that they are natural persons who purchased services from Maui Prep for the personal purpose of receiving an education.

209. Maui Prep’s operation of an educational institution constitutes “trade or commerce” within the meaning of HRS § 480-2(a).

210. Plaintiffs’ payment of tuition to Maui Prep took place in a business context.



211. Maui Prep's Policy of discrimination constitutes an "unfair" act or practice under HRS § 480-2(a).

212. The Policy, which discriminates against students on the basis of sex and gender identity, violates the public policy against discrimination in schools, and is immoral, unethical, oppressive, unscrupulous, and substantially injurious to consumers.

213. Plaintiffs are therefore entitled to compensatory economic damages, statutory damages, declaratory relief, injunctive relief, and reasonable attorneys' fees and costs for this violation.

**THIRD CLAIM FOR RELIEF**  
**Deceptive Business Practices in Violation of HRS § 480-2**

214. Plaintiffs hereby incorporate all preceding paragraphs as if fully set forth herein.

215. HRS § 480-2(a) prohibits the use of "deceptive" acts or practices in the conduct of trade or commerce.

216. As alleged above, Plaintiffs are consumers and their payment of tuition to Maui Prep took place in a business context.

217. When Jane enrolled at Maui Prep, the school advertised a policy of non-discrimination on the basis of gender.

218. Maui Prep also advertised a commitment to "live aloha" and stated its "10 Commitments to Living Aloha," including ho'ohanohano, which the school defined as "accepting and appreciating the differences in others."

219. The commitment to "live aloha" was also contained in the Maui Prep Parent Student Handbook, which was published on the school's website.

220. Maui Prep’s express commitment to non-discrimination and the principles of aloha are material: Parents—particularly parents of LGBTQ+ children—rely on such statements in deciding whether their children should enroll (and remain enrolled) at Maui Prep.

221. Jane’s parents believed and relied on Maui Prep’s express commitment to non-discrimination and to “live aloha” when they enrolled Jane at Maui Prep, and in deciding to keep Jane enrolled after they realized she was transgender.

222. However, while Maui Prep advertised its commitment to non-discrimination and “accepting and appreciating the differences in others,” the school crafted a Policy that discriminates against children on the basis of sex and gender.

223. Maui Prep then used the impending Policy to pressure Parents to disenroll Jane.

224. This behavior not only violated Maui Prep’s own purported non-discrimination policy, it also contradicted the values of aloha that Maui Prep purported to uphold.

225. Plaintiffs are therefore entitled to compensatory economic damages, statutory damages, declaratory relief, injunctive relief, and reasonable attorneys’ fees and costs for this violation.

## **VI. REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court:

226. Enter a judgment in Plaintiffs’ favor on each count of the Complaint;

227. Issue an injunction requiring Maui Prep to:

a. Rescind the Policy; and

b. Require all Maui Prep Board Members and Administrators to participate in an educational program about non-discrimination and inclusivity for transgender students; and

- c. If the school continues to advertise its commitment to “aloha,” require all Maui Prep Board Members and Administrators to participate in an educational program about Native Hawaiian cultural practices and values.

228. Enter an award of economic damages and/or statutory damages;

229. Award reasonable attorneys’ fees, costs, and other expenditures incurred as a result of bringing this action, under applicable law.

230. Grant further relief as the Court may deem just and proper.

DATED: Honolulu, Hawai‘i, September 2, 2025.

/s/ EMILY M. HILLS  
JONGWOOK “WOOKIE” KIM  
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