

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

BETHANY R. SCAER,

Plaintiff,

v.

Case No. 1:25-cv-00183

ALISON V. MASTIN, Chair, Kearsarge  
Regional School Board, in her official  
and individual capacities; KEARSARGE  
REGIONAL SCHOOL BOARD; and  
KEARSARGE REGIONAL SCHOOL  
DISTRICT (SAU #65);

Defendants.

**DECLARATION OF BETHANY R. SCAER**

I, Bethany R. Scaer, declare the following based on my personal knowledge:

1. I live with my husband, Stephen Scaer, in Nashua, New Hampshire.
2. I am active in both state and local politics. As part of my activism, I write for *GraniteGrok*: a New England political website advocating limited government and the defense of liberty. For years, I have testified before the New Hampshire legislature about proposed bills and have spoken at the meetings of school boards. My husband was a Republican candidate for state senate in 2022 and 2024. I was involved in his campaigns.

3. I am a proponent of gender-critical feminism, parental rights, women's sex-based rights, legislation restricting pediatric gender medicine, and the freedoms protected in the Bill of Rights.

4. I support restricting women's sports teams to biological females. I believe that allowing biological males to play women's sports undermines fair competition and puts biologically female athletes at risk for physical and mental injury.

5. As a gender-critical feminist, I do not believe people can change their biological sex based on their feelings about their sex or gender. I also believe the First Amendment protects my right to express this position, as well as the right of other people to disagree with me.

6. I have promoted these positions and criticized New Hampshire leaders who oppose them through my writing and activism.

7. In the spring of 2024, I spoke at legislative hearings about various proposed bills. Notably, I spoke in favor of the House Bill 1205: a New Hampshire state law—passed in July 2024—that limited participation in interscholastic women's sports teams to biological females.

8. I am aware that, on August 22, 2024, a federal court issued a temporary restraining order prohibiting the New Hampshire Department of Education, as well as various school districts and school boards, from enforcing House Bill 1205. *See Tirrell v. Edelblut*, Case No. 24-cv-251-LM-TSM, 2024 U.S. Dist. LEXIS 150777 (D.N.H. Aug. 22, 2024). A few weeks later, the same court issued a preliminary injunction, confirming that temporary restraining order. *See Tirrell v. Edelblut*,



Case No. 24-cv-251-LM-TSM, 2024 U.S. Dist. LEXIS 162185 (D.N.H. Sept. 10, 2024). Kearsarge Regional School District and Kearsarge Regional School Board were not among the districts and school boards restrained and later enjoined by these court orders.

9. I am aware that, during the 2023-2024 school year—prior to the passage of House Bill 1205—Kearsarge Regional School District allowed M.J., a minor and a biologically male student, to compete as a female athlete on the indoor track and field team. M.J., then a sophomore and now a junior, won the girls' New Hampshire Interscholastic Athletic Association (NHIAA) Division II state title in high jump, beating every biological female who competed in that event. M.J. also played goalie on the Kearsarge varsity girls' soccer team during the 2023-2024 school year.

10. While I was advocating in favor of House Bill 1205 in spring 2024, I personally interacted with M.J. I also saw the two athletes who would later become the plaintiffs in *Tirrell v. Edelblut* at legislative hearings during this time, although I only interacted with one of the two *Tirrell* plaintiffs. I know M.J. and the two *Tirrell* plaintiffs by sight.

11. At a meeting on August 15, 2024—which I did not attend—the Kearsarge school board voted four to one (with three abstentions) to enforce House Bill 1205. The court in the *Tirrell* case, however, issued the temporary restraining order a week after this school board vote, causing Kearsarge Regional School Board to revisit its decision.



12. The Kearsarge Regional School Board posts its meeting minutes on its website. I have visited that website and viewed meeting minutes on it before. Exhibit B is a true and correct copy of Kearsarge Regional School Board's approved minutes for the August 15 meeting. These minutes are also available at [https://www.kearsarge.org/sites/g/files/vyhlf731/f/pages/15\\_aug\\_2024\\_minutes\\_approved.pdf](https://www.kearsarge.org/sites/g/files/vyhlf731/f/pages/15_aug_2024_minutes_approved.pdf).

13. In the lead up to the fall soccer season, multiple mothers with girls on varsity soccer teams talked with me and explained that they did not want their daughters to compete against M.J. because of fear of injuries and concern that their teams would unfairly lose game to the Kearsarge team.

14. On August 29, 2024, my husband and I attended a regularly scheduled meeting of the Kearsarge Regional School Board to urge Kearsarge school district to follow state law by prohibiting biological males from participating in female athletics.

15. A large number of people (both supporters and opponents of House Bill 1205) attended the school board meeting. Many people brought signs, which they displayed both in the parking lot and in the meeting room during the meeting. I held a sign reading "Save Women's Sports" in the parking lot but then left the sign in my car and did not bring it to the meeting itself.

16. Kearsarge Regional School District has a written policy, Policy BEDH, that governs "Public Comment & Participation at School Board Meetings." Under Policy BEDH, the Kearsarge school board "provide[s] the opportunity for members



of the public to comment on school district matters at all regularly scheduled Board meetings." Individual speakers are each "permitted equal time" to comment and "allotted 3 minutes per person."

17. Speakers "may offer comments on agenda items or other District matters (e.g., operations, budget, and other issues directly relating to the District's school policies, programs and operations.)." The school board, however, "will not tolerate defamatory statements, comments threatening bodily harm, or other unprotected speech." The Chair may rule a speaker who "repeated[ly]" violates these rules as "out of order" and terminate that speaker's comments before the three minutes are complete.

18. Policy BEDH does not allow the public to disrupt meetings by, for instance, "[s]houting or speaking out of appointed time while someone else has been recognized" or "[a]ny other conduct intended to disrupt the meeting or person speaking."

19. Exhibit A is a true and correct copy of Policy BEDH, as of March 11, 2025. Policy BEDH is also available on the school district's website at <https://www.kearsarge.org/district/school-board-mbc/pages/bedh-public-comment-participation-school-board-meetings>.

20. The public comment period was the first order of business on the agenda at the August 29 meeting. Alison Mastin, the school board's Chair, began the comment period by informing speakers about the rules of order. According to Mastin, all speakers had to raise their hand to speak; state their name and the



town in which they reside; limit comments to three minutes or less; and “not speak derogatorily about anyone or anything.” See Exhibit C.

21. Exhibit C is a true and correct copy of Kearsarge Regional School Board’s approved minutes for the August 29 meeting. These minutes are also available at <https://perma.cc/LK58-T8BP>.

22. Many people wished to comment at the August 29 meeting. Altogether, approximately fifteen speakers addressed the board during the public comments period. Some addressed the school board via Zoom, but most did in person. Everyone who wanted to speak—except for me—was allowed to speak for up to the full three minutes.

23. M.J. attended the meeting and was the second speaker during the public comment period. M.J. claimed House Bill 1205 had upended his life and urged the school board to allow him to compete on Kearsarge Regional School District’s girls’ soccer team during the approaching Fall 2024 season, just as he had in the Fall 2023 season.

24. I had personally interacted with M.J. prior to August 29 and had a chance to observe him again in person during the meeting. He is a tall male, nearly 6 foot in height, with considerable musculature, who has obviously gone through male puberty.

25. I had also seen the two *Tirrell* plaintiffs prior to August 29. Unlike M.J., they are small and, accordingly to public reports, have been on male puberty blockers for over a year. See *Tirrell*, 2024 U.S. Dist. LEXIS 162185 at \*8, \*11.



26. Most of the public commenters at the August 29 meeting spoke in favor of the school board permitting M.J. to compete in soccer, despite the state law. Commenters expressed their support for M.J. specifically.

27. My husband, Stephen Scaer, was one of the few commenters to speak in support of reserving girls' sports for biological women. He spoke about the physiological differences between males and females and the need to protect children from experimental gender medicine for his full three minutes.

28. I addressed the school board with the intention of reading aloud a short New Hampshire Journal article, originally published February 11, 2024, to the board. This article discussed M.J.'s victory in girls' high jump at the NHIAA indoor track and field championship. I never got to read from this article.

29. Exhibit D is a true and correct copy of New Hampshire Journal article that I brought to read aloud to the school board.

30. When I began to speak, I prefaced my intended reading with a short off-the-cuff explanation of why I would read the New Hampshire Journal article. I explained that the plaintiffs in *Tirrell v. Edelblut* were small and prepubescent. Their participation in girls' soccer did not represent a threat to girls' safety and did not significantly undermine the fairness of the competition. I contrasted them to M.J., who has gone through male puberty.

31. At that point, I gestured towards M.J., who was sitting two rows in front of me. I said, "look at him" and referred to M.J. as a "tall boy." As noted above, M.J. is a boy and much taller than the average biological female.



32. Immediately after I referred to M.J. as a “tall boy,” Chair Mastin interrupted me to say that I could not talk any more. This occurred no more than 30 seconds into my three-minute comment time.

33. According to the Chair, my statement violated the school board’s “no derogatory comments” policy. The Chair did not explain what part of my words violated this policy, so I did not then know if it was my use of male pronouns, my use of the word “boy,” my reference to M.J.’s height, or something else. Nothing in the agenda, in Policy BEDH, or in the Chair’s statements indicated what kind of comments qualified as “derogatory.”

34. The Chair ruled me out of order, did not let me continue to speak, and forfeited the remainder of my three minutes. I was not given any opportunity to appeal the Chair’s ruling. The Chair also threatened to have me removed by the police if I did not comply by stopping my comments.

35. While I was commenting, there were people in the audience standing around, holding signs in support of M.J., jeering, and hissing to express their opposition to my position. Some applauded Mastin for silencing me.

36. I tried to protest my silencing, but—due to the jeers, hissing, and applause—people could not hear what I was saying. Mastin and the board made no attempt to quiet the crowd so that I could be heard.

37. I turned in a copy of the New Hampshire Journal article that I planned to read to the meeting’s clerk as written evidence. I then sat back down.



38. After the public comment period ended, the school board voted to reverse its earlier August 15 decision, defy state law, and permit M.J. to compete on the girls' soccer team.

39. I never received a chance to express my public comments on the issue prior to the board's decision to reverse itself. Mastin's actions prevented me from participating fully in the process.

40. When Kearsarge Regional School Board published the first version its minutes for its August 29 meeting, these minutes did not describe my comments, my husbands' comments, or the comments of anyone else who spoke in opposition to permitting biological males to compete in girls' sports.

41. I attended the school board's October 24 meeting and spoke during the public comment period. Prior to meeting, I wrote down my intended comments and read this text word-for word during the meeting, to ensure that I would not be silenced again.

42. In my prepared comments, I deliberately avoided some content because I thought the board might consider this content "derogatory" and seize on it as an excuse to silence me again. For instance, I did not say M.J.'s name, describe his physical appearance, protest Mastin's actions on August 29, or warn the board that its decision to shut me down will not stop the truth from getting out.

43. Instead, during these October 24 comments, I complained that the August 29 minutes were incomplete, and that New Hampshire's public meetings law requires that minutes include the names of all commenters as well as summaries of



their comments. I also again urged Kearsarge Regional School District to follow the law and prevent biological males from playing girls' sports.

44. The school board later put out and approved a revised version of the August 29 minutes (now Exhibit C), that described all the public comments. It was only when I read this second set of minutes that I learned that my "tall boy" comment was what Mastin considered derogatory.

45. M.J. played on the Kearsarge varsity girls' soccer team throughout the fall 2024 season. He did not compete as a female athlete in the winter indoor track and field season (which began in December 2024), although that was the sport in which he won the high jump championship the year before.

46. In March 2024, M.J.'s father (his custodial parent and an advocate for transgender rights) was convicted of child pornography but continued to attend soccer games through November 2024, while out on bail during his pre-incarceration release. *Cf. United States v. Jacques*, Case No. 24-cr-19-PB-TSM-19, 2024 U.S. Dist. LEXIS 207481 (D.N.H. Nov. 15, 2024). Kearsarge Regional School District allowed M.J.'s father to attend these games.

47. At the school board's October 24 meeting, some parents complained that the presence of a convicted child sex offender threatened the safety of students and objected to Kearsarge Regional School District's handling of the situation. I purposefully did not address this issue in my public comments, for fear that it might be considered "derogatory."



48. The national landscape concerning the participation of biological male athletes in women's sports has altered since August 2024. In January 2025, a federal judge struck down the Title IX regulation on transgender sports participation. In February 2025, the new president signed executive orders on this issue. Moreover, also in February 2025, the NHIAA changed its policy and advised schools that they have a responsibility to follow state and federal law by limiting girls' sports teams to biological women.

49. After the NHIAA advised schools to follow the law, Kearsarge Regional School District announced that it would no longer permit biological males to compete on girls' sports teams. The *Tirrell v. Edelblut* case, however, continues to be litigated in federal court.

50. Because Kearsarge Regional School District has changed its policy regarding transgender sports participation multiple times in the past, I fear that at some point in the future the school board might return to permitting biological males to participate in girls' sports.

51. I want to publicly comment at future Kearsarge Regional School Board meetings, to express my opposition to the school permitting biological males—whether or not those males have gone through male puberty—to participate in girls' sports.

52. In future public comments, I want to criticize Kearsarge's past policy of permitting such male athletes and help ensure they do not revert to that policy again, regardless of what occurs in the *Tirrell v. Edelblut* case.



53. In my future public comments, I intend to express myself in the same way that I did previously, referring to tall boys as "tall boys" or similar expressions. I refuse to use preferred pronouns and will state people's biological gender, even if Mastin or other members of the school board consider this to be offensive and so-called "misgendering."

54. I would state that I consider it perverse that the school board seeks to hide the reality of M.J.'s unfair size and strength advantage. I would talk about how little either M.J. or the school board seems to care about the well-being and dignity of the biological girls that play with and against him and how both M.J. and the school board sexually harass these females by forcing them to share restrooms and locker rooms with a boy and potentially appear naked before him. I would state that Kearsarge Regional School District has its priorities backwards and that it is endangering children in order to appease a trans cult.

55. I also want to criticize the school board's public comment policy and its past treatment of me. I believe that the school board's policy violates the First Amendment and hypocritically allows the board to silence dissenters while encouraging disruptive audience members to behave like an angry mob. I would criticize Mastin by name for running a disorganized meeting, enforcing policies selectively, and seemingly making up standards as she went along. I intend to criticize the board's policy and Mastin's actions using language the board may find offensive and derogatory.



56. Additionally, I want to criticize Kearsarge Regional School District's handling of the situation regarding M.J.'s father and demand that the school board explain why my words are unacceptable on school property, but the physical presence of a convicted pedophile is not. I would ask why Kearsarge School District did not immediately contact the other schools and the authorities and instead enabled this man to have access to possible targets of his pedophilia and grooming. I intend to criticize Kearsarge Regional School District's handling of M.J.'s father's crime using language the board may find offensive and derogatory.

57. I believe, however, that for the foreseeable future Mastin and the Kearsarge Regional School Board will not permit me to express my position using the language that I wish, because they believe my comments are offensive and violate the board's "no derogatory comments" policy. I believe that, if I were to speak as I wish, I would again get interrupted, prohibited from speaking, threatened with police removal, and have my time forfeited.

58. In order to speak again, I believe that I would need to self-censor, as I did in my October 24 comments, and avoid anything that could be characterized as derogatory.

59. I also believe that, if I were to speak as I wish, Mastin and the school board would treat me in a manner that implicitly encourages other attendees to disrupt my comments by hissing, jeers, and similar noises, even though Policy BEDH forbids attendees from speaking out of turn or disrupting the speaker.



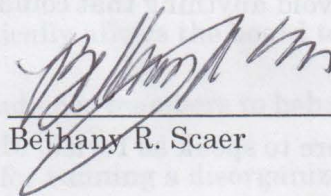
60. I found it frustrating and degrading to have my comments cut short on August 29, especially because other speakers were allowed to promote their viewpoints and express their support of M.J. in the manner that they chose. Indeed, audience members were allowed to hold signs supporting M.J. (even by name), to hiss in opposition to my comments, and to applaud Mastin's silencing of me.

61. To avoid a similar humiliating experience in the future, I have refrained from speaking at Kearsarge school board meetings in the way that I wish about transgender athletics, M.J.'s father, and the school board's public comment policy and treatment of me.

62. Unless I am able to obtain protection from the Court, I expect that I will not speak about transgender athletics and these other matters using the language that I would choose at future Kearsarge Regional School Board meetings, in order to avoid being cut off again.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2025



Bethany R. Scaer