

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

D [REDACTED] F [REDACTED], et al.,

Plaintiffs,

v.

THE SCHOOL BOARD OF THE CITY
OF HARRISONBURG, VIRGINIA, et al.,

Defendants.

CASE NO.: CL22-1304

AFFIDAVIT OF PLAINTIFF K [REDACTED] M [REDACTED] IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

On this 26th day of August, 2022, I, K [REDACTED] M [REDACTED], do hereby certify:

1. I am a United States citizen and a resident of Augusta County, Virginia. I am over the age of eighteen and competent to testify. I make this declaration based on my personal knowledge.

2. At all relevant times to this matter, I have been an employee of Harrisonburg City Public Schools ("HCPS"). Specifically, I am a reading specialist at Spotswood Elementary School, a school in the HCPS Division. I have been teaching for over 30 years, approximately 20 of those in HCPS schools, and most of those with a focus on literacy. I started at Spotswood Elementary in 2017.

3. My position allows me to work closely and individually with students who struggle to read—intervening to ensure those students don't experience further difficulties down the road. Some of my students struggle with learning disabilities that interfere with their ability to read and write at grade level, and some have individualized educational plans under the Individuals with Disabilities Education Act or plans under Section 504 of the Rehabilitation Act

4. I love that through my work in HCPS schools I can guide children from a place of struggle and frustration to a place where they are confident readers, with literacy skills that will help them for their entire lives.

5. I have specifically chosen to work in public schools, rather than pursue employment in a private-school setting, because I believe in the value of the public-school system. I have seen so many children's lives positively changed by the education they receive. My own children went through public school and my husband also teaches in a nearby public-school division.

6. Throughout my years in HCPS, I have felt (and continue to feel) a personal call to ensure that students in public schools receive the excellent education they deserve. I have also seen the benefits of active parental involvement for my students who find their education challenging.

7. Then, in August of 2021, I learned that Spotswood staff members had attended divisional training that involved the “SOTS Presentation” (a copy of which is appended to the memorandum in support of plaintiffs’ motion for temporary injunction at App. 8-19). I later reviewed the SOTS Presentation for myself.

8. I was aware that similar training was provided to HCPS counselors in August 2021.

9. While I do not currently have any students who struggle with their gender identity, I am aware of elementary-aged children in the local area who struggle with gender identity, and I believe it is likely that I will engage with students at Spotswood Elementary School who identify as transgender in the future.

10. I understood from reviewing the SOTS Presentation that school policy required that:

- a. I would need to immediately start asking students for their preferred names and pronouns, and to always use the preferred names and/or pronouns provided by students going forward regardless of whether or not parental consent was provided;
- b. If a student wanted to use preferred names and pronouns at school, I would be required to share the information with the student’s assigned school counselor;
- c. I would not be able to speak to the student’s parents about the use of preferred names and pronouns at school without the student’s consent, nor would I be able to seek their permission to use different names and pronouns for their child;
- d. If a student was using preferred names and pronouns at school and his or her parents were not aware of the situation (and the student did not specifically authorize his or her parents to know about the situation at

school), I would need to be deceptive with the parents to ensure the student's situation remained confidential.

11. Furthermore, I understood that if I was to do anything that violated this policy—for example not using a student's preferred names and pronouns, or disclosing to the student's parents that their child was using different names and/or pronouns at school—then I would be subject to disciplinary action by HCPS.

12. I understand that because these issues concern a student's gender identity, HCPS considers violation of this policy to be a form of discrimination and/or harassment against the student, which is punishable by discipline up to and including expulsion or discharge.

13. I understand this policy was implemented in the 2021-2022 school year, and it continues to be in effect.

14. I object to this policy on religious and moral grounds.

15. My religious faith plays a very important role in my life.

16. I am a practicing Christian, my beliefs are based on the Bible, and I strive to live out my Christian faith daily in my work, home, and family life.

17. My faith has played an active role in my decision to become a teacher, and to continue in my teaching career. I taught for four years before going into missionary work and then served at a school in Quito, Ecuador, for five years. I met my husband in Ecuador, where he was a teacher at the same school, before returning to the United States. I am currently an active member of a nondenominational Christian church where I volunteer, and I lead a Bible study in my home.

18. My sincerely held religious beliefs, some of which are detailed in the following paragraphs, shape and govern my views about human nature, childrearing, gender identity, and honesty, among other topics.

19. I believe that God created the family and charged parents with the primary responsibility of raising, guiding, and caring for their children.

20. I believe that parents and family play an essential role in maintaining students' physical and mental health and well-being.

21. I believe that God created two sexes, male and female, and that these two sexes are a core part of God's intended design for humanity.

22. I believe that each of us is born with a fixed biological sex that is a gift from God; it is not an arbitrary imposition subject to change.

23. My religious beliefs prevent me from personally affirming or communicating views about human nature and gender identity that are contrary to my religious beliefs, because such affirmation or communication would be untrue.

24. Accordingly, I believe that referring to a child using "preferred pronouns" that are inconsistent with the child's biological sex is harmful to the child because it communicates a message to and about the child that is untrue.

25. I further believe it would be unloving to participate in any child's "social transition" because it encourages false ideas about sex and increases the odds of life-changing "medical transition" through puberty blockers and cross-sex hormones.

26. My religious beliefs also prevent me from lying to or intentionally deceiving the parents of the children I teach.

27. My religious beliefs require me to treat every student with love, dignity, and respect, because I believe all people are created in the image of God, and God calls us to love all.

28. I am committed to respectfully addressing all students in a way that does not require me to violate my religious beliefs, including a commitment to not lie to or intentionally deceive parents about how my students are being addressed at school. I have always addressed my students respectfully. And I intend to continue doing so.

29. For example, when using a student's requested pronouns would violate my religious beliefs, I would avoid using those pronouns while simultaneously not

intentionally using other sex-specific words that the student has specifically requested that I not use. Doing this would not violate my religious beliefs.

30. In accordance with my religious beliefs, I cannot use a student's preferred pronouns if they do not correspond with the student's biological sex. To do so would violate my religious beliefs. Yet HCPS has a policy that threatens me with discipline unless I violate my religious beliefs and immediately begin referring to a student with preferred pronouns, even if those pronouns do not correspond to the student's biological sex.

31. Additionally, in accordance with my religious beliefs, I cannot lie to parents about a student's use of a name at school that is different from that student's given name, or about a student's use of pronouns that do not correspond to that student's biological sex; nor will I keep such information hidden from parents. To do so would violate my religious beliefs. Yet HCPS has a policy that threatens me with discipline unless I violate my religious beliefs by lying to, deceiving, or keeping information hidden from parents.

32. Because of my religious beliefs, I cannot communicate HCPS's messages regarding sex and gender, nor can I communicate its message that it is appropriate to lie to or intentionally deceive parents about their children's well-being and education.

33. Among other reasons, I decided to become involved in this case because I felt that parents should be able to trust the school staff where they are sending their children, and the existence of this policy changed that relationship dynamic. I was very uncomfortable with parents not being aware of the existence of this policy and how it might affect their children.

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

Executed on August 26, 2022.

[redacted]
K. M. [redacted]

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 26th day of August, 2022, by K. M. [redacted].

My commission expires December 31, 2025.

Notary Registration No. 349775.

[redacted]
NOTARY PUBLIC

