

VIRGINIA: IN THE CIRCUIT COURT FOR 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 L [REDACTED] N [REDACTED] IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY INJUNCTION

On this 29th day of August, 2022, I, L [REDACTED] N [REDACTED], do hereby certify:

1. I am a U.S. citizen and a resident of Harrisonburg, Virginia. I am over the age of eighteen and competent to testify. I make this declaration based on my personal knowledge.

2. My husband, T [REDACTED] N [REDACTED] is also a U.S. citizen and a resident of Harrisonburg, Virginia. T [REDACTED] and I are the parents and natural guardians of three children, all of whom are currently enrolled in Harrisonburg City Public Schools (“HCPS”). Our three children—all boys—have been enrolled in HCPS at all relevant times to this matter.

3. During the 2021–2022 school year, one of my children was enrolled in the sixth grade at Skyline Middle School; the other two were in the fourth and second grades at Smithland Elementary School.

4. At all relevant times to this matter, I have been an HCPS employee. Specifically, I am an English-as-a-second-language (“ESL”) teacher at Harrisonburg High School, a school in the HCPS Division. I have been employed by Harrisonburg High School for 18 years, since August of 2004.

5. Before pursuing a teaching career, mission work took me to a home for street children in Asunción, Paraguay, where I served for one year. I spent that year working with children who were homeless.

6. My experience in Paraguay gave me a heart for children, particularly those coming from difficult backgrounds. I decided to pursue a teaching degree so that I could make a positive difference in children’s lives, and I have a particular desire to serve children in the ESL community.

7. I care deeply for my ESL students and consider it a real privilege to work with them as they adapt to the culture of and life in the United States. I am continually inspired by the hard work, faith, and perseverance of the ESL families

which I interact with in the face of the many hardships and challenges that often beset them.

8. I love that I am able to be a classroom teacher to ESL students and would not want to work in any other school division.

9. T [REDACTED] and I value the public-school system, which is our only choice for our own children's education. Private school is not a financially viable option for us, and homeschooling is equally untenable for us.

10. Even if we had other schooling choices, T [REDACTED] and I would send our children to HCPS schools. We value the range of people, the richness of the experience in public schools, and the quality of the educational opportunities.

11. T [REDACTED] and I also value our role and responsibilities as parents. We strongly feel that we need to be able to parent our children well, which we cannot do if the school hides information from us or lies to us about our children's identity, mental health, or other struggles.

12. I am aware of several children who struggle with gender-identity issues at Harrisonburg High School.

13. I have already been working with a student in one of my classes who struggles with gender identity, and I expect to continue working with other students who struggle with their gender identity in the future.

14. I have been trained on HCPS's new policy regarding children struggling with those issues and its requirements on me as a teacher.

15. On or about August 19, 2021, I attended a training at Harrisonburg High School for all HCPS high-school faculty 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 was also sent the SOTS Presentation after the training, which I reviewed.

16. I was aware that similar training was provided to HCPS counselors and physical-education teachers in August 2021, and that an organization called "Side by Side" conducted further training for HCPS administrators and counselors in September 2021, but I did not personally attend these trainings.

17. I also watched the School Board work session in October 2021 where April Howard gave the "October Bullying Presentation" (a copy of which is appended to the plaintiff's memorandum in support of plaintiffs' motion for temporary injunction at App. 27-51.)

18. My understanding further to the training was 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.

19. 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.

20. 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.

21. As a parent, I understand that school policy requires HCPS employees to ask my children for their preferred names and pronouns, and to always use whatever preferred names and/or pronouns are provided by my children, with or without my knowledge or consent.

22. Furthermore, I understand that school policy prevents HCPS employees, on pain of discipline, from informing me about whether any child of mine is struggling with their gender identity, or experiencing gender dysphoria, unless my child consents to my knowledge about the situation. In such circumstances, I understand that HCPS employees would be required to deceive me to ensure that I do not become aware of the situation concerning my child. Consequently, I would be completely unaware of whether my child was undergoing psychosocial treatment for gender dysphoria at school (through the use of preferred names and pronouns) until such time that my child decided that he wanted me to know—whether that is a period of weeks, months, years, or at all.

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

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

25. T [REDACTED] and I are practicing Christians and share beliefs that are based on the Bible. Our religious faith plays an important role in our lives, and we strive to live out our Christian faith daily.

26. T [REDACTED] and I have been active members of our current Presbyterian (PCA) church for approximately 18 years, where I helped start ESL classes for the congregation, and have supported church life by volunteering in the nursery, Sunday school, and home groups.

27. T [REDACTED] and my sincerely held religious beliefs, some of which are detailed in the following paragraphs, shape and govern our views about human nature, childrearing, gender identity, and honesty (among other topics) as well as our approach to parenting.

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

29. We believe that it is our duty and responsibility to act in the best interests of our children in every matter, including walking with them through any medical or mental-health challenges they may face.

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

31. We 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.

32. We 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.

33. Our religious beliefs prevent us from personally affirming or communicating views about human nature and gender identity that are contrary to our religious beliefs, because such affirmation or communication would be untrue.

34. Accordingly, T [REDACTED] and 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.

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

36. My faith also requires 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.

37. 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 sought to address my students respectfully. And I intend to continue doing so.

38. 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.

39. T [REDACTED] and my religious beliefs also shape and govern our approach to parenting.

40. We also believe that we have a God-given responsibility to provide for and participate in all aspects of our children’s upbringing, and to do so in a way that is consistent with our faith. This responsibility extends not just to their spiritual growth and training, but also to the arenas of education, physical, mental, and emotional health, and beyond.

41. Our faith dictates the advice and guidance that we provide to our children on any number of difficult or potentially life-altering decisions, in whatever arenas those difficulties or challenges may arise.

42. We believe that because of children's inexperience and immaturity, children often do not appreciate the long-term consequences of their actions and thus need the advice and counsel of their parents to reach sound decisions.

43. We want to protect our children from making potentially irreversible and life-changing decisions that they may later regret.

44. T [REDACTED] and I believe that children should not be encouraged to undertake "social transition" or "medical transition," because of the complexity of the issues involved and children's inability to thoroughly assess the long-term consequences of such actions.

45. We 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.

46. 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.

47. 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.

48. 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.

49. In accordance with our religious beliefs, T [REDACTED] and I object to HCPS's policy because it requires school staff to directly interfere with our ability to make decisions about our children's upbringing and education, in particular with our ability to assist our children should one of them struggle with gender identity.

50. Furthermore, as a direct result of our religious beliefs, if our children ever experience discomfort with their biological sex, we would not "affirm" whatever beliefs or feeling our children might have about their sex.

51. Instead, we would seek to help our child get the medical and psychotherapeutic help necessary to identify and address the underlying cause of the discomfort, while continually affirming: (a) that our child is "fearfully and wonderfully made," *Psalm* 139:14; (b) God's unfailing and never-ending love for our child; and (c) our own unfailing and never-ending love for the child.

52. We would not affirm or transition our children to a gender that is inconsistent with their God-given sex. Instead, we would seek to walk with our child through their individual struggles, encouraging the child that he is loved and reminding the child that he does not have to conform to society's stereotypes.

53. Regardless of our children's feelings, beliefs, or actions about their sex, we will never stop loving them or love them any less.

54. HCPS's policy prevents T [REDACTED] and me from exercising our religious beliefs about how to properly raise our children by requiring employees to hide decisions they might make regarding our children's struggles with gender identity.

55. Among other reasons, I decided to become involved in this case because of my concern that parents were not being informed about the policy, and that students at HCPS could face serious harms without parental involvement.

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

Executed on August 29, 2022.




L [REDACTED] N [REDACTED]

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF HARRISONBURG

The foregoing instrument was acknowledged before me this 29th day of August, 2022, by L [REDACTED] N [REDACTED].

My commission expires December 31, 2025.

Notary Registration No. 349775.



NOTARY PUBLIC

