

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF ALBEMARLE

C [REDACTED] and T [REDACTED] I [REDACTED];

R.I. and V.I., minors, by and through their parents, C [REDACTED] and T [REDACTED] I [REDACTED], as the minors' next friend;

M [REDACTED] and M [REDACTED]
M [REDACTED];

P.M., a minor, by and through the minor's parents, M [REDACTED] and M [REDACTED] M [REDACTED], as the minor's next friend;

K [REDACTED] and M [REDACTED] G [REDACTED];

T.G. and N.G., minors, by and through their parents, K [REDACTED] and M [REDACTED] G [REDACTED], as the minors' next friend;

E [REDACTED] and T [REDACTED] D. T [REDACTED];

D.T. and H.T., minors, by and through their parents, E [REDACTED] and D [REDACTED] T [REDACTED], as the minors' next friend;

M [REDACTED] R [REDACTED]; and

L.R., a minor, by and through the minor's parent, M [REDACTED] R [REDACTED], as the minor's next friend;

Plaintiffs,

v.

ALBEMARLE COUNTY SCHOOL BOARD,

Serve: Albemarle County School Board
401 McIntire Rd, Room 345
Charlottesville, VA 22902

Case No. CL21001737-00

DECLARATION OF PLAINTIFF
MELISSA RILEY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

MATTHEW S. HAAS, Superintendent, in
his official capacity; and

Serve: Matthew S. Haas
401 McIntire Rd, Room 345
Charlottesville, VA 22902

BERNARD HAIRSTON, Assistant
Superintendent for School Community
Empowerment, in his official capacity;

Serve: Bernard Hairston
401 McIntire Rd, Room 345
Charlottesville, VA 22902

Defendants.

I, Melissa Riley, declare as follows:

1. I am a citizen of the United States and a resident of Crozet, Virginia. I am over the age of eighteen and competent to testify. I make this declaration based on my personal knowledge.
2. I am the mother and natural guardian of L.R., a minor child, citizen of the United States, and resident of Crozet, Virginia.
3. At all times relevant to this matter, L.R. has been a student at Henley Middle School, part of Albemarle Public Schools. During the 2020–21 school year, L.R. was in 7th grade at Henley Middle School. Now, during the 2021-22 school year, L.R. is in 8th grade at Henley Middle School.
4. I grew up in Albemarle County. I am Native American and white. L.R.'s father is black. So L.R. is white/Native American from my side of the family and black from his father's side of the family.
5. I am very proud of our family's rich racial heritage. I believe there is much depth and value in every part of that heritage. I want L.R. to feel the same way, and I have worked to instill in him that same pride in his racial heritage.
6. That's why I was so concerned when I learned that Henley Middle School would be running a pilot program in my son's class that focused on race-based instruction anchored in an "anti-racism" ideology mandated by the Albemarle School District's "Antiracism Policy" (Policy).
7. I reviewed the Policy and curriculum that would be taught, and it became clear to me that this was not a history lesson, but indoctrination in an ideology that sees everything and everyone through a racial lens. The Policy, and the instruction it mandated, classified people into groups by their race and issued judgment on those groups that amounted to racial stereotyping. One group—

white people—was labeled “privileged” and “oppressor”; another group—people of color—was labeled not privileged and “oppressed.”

8. Even cultural and social institutions, like Christianity and even the family, were reduced to a “dominant” or “subordinate” label. Teachers and students were then urged to join the so-called “anti-racism” fight by dismantling the “dominant” institutions and “privilege” around them and treating people differently based on race.
9. The topics in the pilot program were presented as truth, not theory. It became clear to me that students would be pushed to agree with the ideology set forth as “truth” by the program and adopt its worldview.
10. I strongly object to a Policy or curriculum that tells my son that his race means he is “oppressed,” or that his culture is “subordinate.” Or that one side of his family, including his mother, is an “oppressor” and part of the “dominant culture.” I also object to a Policy or curriculum that would tell my son or his classmates to focus on his race.
11. Henley Middle School students are predominantly white. L.R. is one of the few students of color in his grade level. I do not want his classmates or teachers to focus on his race. That focus would single him out as different, make him uncomfortable, and plant a false ideology in his head that there is something negative about his biracial heritage. That has not been his life experience or the way his family has raised him.
12. I took my concerns to L.R.’s teacher, Chris Booz. I explained that I was concerned that the new Policy and proposed pilot program encourages teachers and students to focus on my son’s race, that such a focus would make my son (and me) uncomfortable, and that I did not want teachers or students to judge my son based on his race. I also told her that I was worried that pushing L.R. to see his black heritage as a negative—something that makes him

underprivileged, oppressed, or part of a subordinate culture—would harm him by changing for the worse the way he views himself and his peers.

13. Ms. Booz initially had no answer for my concerns. She listened and told me she would get back to me. Ms. Booz later contacted me for a follow up conversation. She started that conversation with “Good news!” Then she explained to me the school’s plan to create a “safe space” for students of color to go and be away from white students during these “anti-racism” lessons. So, if L.R. was uncomfortable, he could go there.
14. I was alarmed at the school’s proposed solution. It’s racial segregation. And I strongly object to that. I asked Ms. Booz what would be taught in these “safe space” classes while the white students were receiving the “anti-racist” curriculum. She told me that it would be a chance for students of color to talk about how they felt about racism separate from the white students. That alarmed me even more. Not only was the school proposing segregation during certain class times, but the plan to separate students by race would also create different learning environments and different discussions for students based on race. In other words, the district planned to implement the “Anti-racism” Policy differently depending on whether the student was white or whether he or she was a student of color.
15. I took my concerns to the Henley Middle School Principal Beth Costa. I explained to her that these were middle school kids who were still developing psychologically and socially. I was concerned that the Policy’s focus on race would single out some students, like my son, and make them feel uncomfortable about their race. I cautioned that the Policy would lead L.R., and others like him, to see their racial heritage as a negative. And I raised my concerns about the “safe spaces” creating different learning experiences for students of color compared to their white peers. I asked Dr. Costa how she

planned to implement the Policy, while guarding against the harms I was concerned the Policy would create.

16. Principal Costa conceded that the school could not prevent any of the harms I raised. She explained that the district would have to try different approaches, including “safe spaces,” and see if they worked. She acknowledged that there may be “bumps in the road,” and that the district would need to adjust things along the way as faculty and staff observed how kids reacted to the Policy and its implementation in the classrooms.
17. I do not believe there is a need to “try out” segregation to see if it works. It is well known that segregation is harmful to children and to society. I strongly object to my son being subjected to segregation as part of his education.
18. L.R.’s teacher, Ms. Booz, also suggested I talk with Coach Ward, the P.E. coach. Coach Ward is black. I formed an understanding that Coach Ward’s race is one reason why Ms. Booz suggested I speak to him.
19. When I spoke with Coach Ward, he told me that the Policy was necessary. He indicated that he and other school staff believe parents are not teaching their children what they need to know about race. He indicated that, as a result of this perceived failure by parents, he and other school staff believe the school needs to do it by way of “anti-racism” instruction.
20. I have no problem with the school teaching my child about race. In fact, I strongly believe that children must learn about the history of racism in this country and elsewhere. But that is different than telling my child that he is different from and “subordinate” to his white peers just because his father is black. Yet, that’s what the Policy-based instruction is saying to L.R. And it is a message I see him now taking to heart.
21. Prior to the Policy, I never heard L.R. say anything negative about his biracial heritage, and I never observed him feeling different than his peers because of

- his race. That is no longer true. Starting this school year, L.R. has become increasingly focused on his own race and the race of his peers. For the first time, I have heard him voice negative thoughts or even joke about being black.
22. For example, L.R. has suddenly started identifying himself as black, ignoring his other racial heritage. When something he does not like happens to him, he will now say, "It's because I'm black, isn't it?" And just in the last week, L.R. told me that several new black kids moved into his school. As we talked about it, it became clear to me that L.R. was pleased that there were more students "like him" in the school because he now sees himself as "different" than his white peers. L.R. has never before expressed feeling different than other students because of his race.
23. I object to and am deeply concerned by L.R.'s reaction to the Policy-based curriculum. L.R. has many white family members, including me. I do not want him to see either side of his family as negative or "different." I have worked hard to show him that his biracial heritage is wonderful, and that there is tremendous value in both sides of his family. I have also worked hard to ensure that he is treated equally and treats other people equally regardless of his race or theirs. In just a few months of instruction, the Policy has damaged my efforts in this regard.
24. L.R. is now an eighth-grade student at Henley Middle School. He has continued to receive similar race-based instruction in several classes, and I anticipate that he will receive the eighth-grade curriculum that was used in the pilot program last year. I am concerned that receiving additional Policy-based instruction will continue to plant false ideology in L.R.'s mind about being "different," "subordinate," or targeted because he is black.
25. Again, I object to and am disturbed that the Policy encourages teachers and students to treat L.R. differently than other children because of his racial

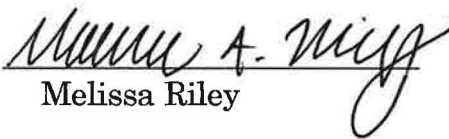
heritage. I do not want L.R. to ever feel singled out or uncomfortable because of his race. I do not want my son taught that what he can achieve in life is based on his skin color. And I do not want the Policy to change the way he views himself and his racial background or the racial backgrounds of his close friends and family members, including me. I believe the Policy is already doing that and will only do more damage if it continues.

26. The Policy violates my religious and philosophical beliefs about race, human life, and identity.
27. I am a member of the Protestant Christian faith and am raising L.R. in the Christian faith.
28. My Christian faith governs the way I think about all of human life, including human nature, morality, and identity, and it causes me to have sincerely-held religious beliefs in these areas.
29. My convictions concerning human nature, the purpose and meaning of life, and ethical standards that govern human conduct are drawn from the Bible.
30. As a Christian, I oppose racism in every form because it contradicts my religious and philosophical beliefs. I also believe that it violates the foundational principles of our country.
31. My faith teaches me that each person is made in the image and likeness of God, that each person possesses inherent dignity and value, that a person's race has no relation to that person's inherent dignity as a child of God, and that we are all equal under God and must be treated accordingly. Consistent with my faith, I endeavor to treat every person—no matter the person's race, color, or creed—with dignity, love, and respect.

32. My faith also teaches me that parents are the primary educators of their children in all matters and have the duty to educate their children. My religious and philosophical beliefs hold that parents have the fundamental right to control their children's education.
33. Defendants' racial discrimination—under the guise of trying to eliminate discrimination—conflicts with my sincerely-held religious and philosophical beliefs.
34. I object to the Policy and related curriculum and indoctrination of my son in racist ideology. Without Court intervention, I do not believe that it will stop.

I declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Dated this 21st day of February, 2022, in Crozet, Virginia.

By: 
Melissa Riley