

EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

State of Tennessee; Commonwealth of Kentucky; State of Ohio; State of Indiana; Commonwealth of Virginia; and State of West Virginia,

Plaintiffs,

and

Christian Educators Association International; A.C., by her next friend and mother, Abigail Cross,

Proposed Intervenor-Plaintiffs,

v.

Miguel Cardona, in his official capacity as Secretary of Education; and **United States Department of Education,**

Defendants.

Case No. 2:24-cv-00072-DLB-CJS

**DECLARATION OF DAVID SCHMUS, EXECUTIVE DIRECTOR OF
CHRISTIAN EDUCATORS ASSOCIATION INTERNATIONAL**

I, David Schmus, under penalty of perjury, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration. I have personal knowledge of the information below.

2. I am the Executive Director of Christian Educators Association International, also known as Christian Educators.

3. As the Executive Director of Christian Educators, I am the organization's Chief Executive Officer, accountable to the Board of Directors. I direct all the ministry and association activities.

Christian Educators' Background

4. Christian Educators is a Christian educational association that primarily serves member individuals who teach and support public schools.

5. Christian Educators' mission is to support, connect, and protect Christians serving in public education. Christian Educators supports teachers who want to make a difference in their students, parents, and coworkers' lives and throughout the broader community.

6. At Christian Educators, we want to support Christian teachers and help them through discipleship and spiritual development. To support our teachers, we create content, host events, prepare trainings, and distribute materials all geared toward spurring our teachers on in their faith and explaining how that carries over to their classrooms.

7. Christian Educators' members consist of a group of educators, counselors, administrators, aides, and even bus drivers and custodians who serve as thriving ambassadors for Christ in our public schools.

8. Christian Educators is a non-profit corporation organized under California law with its principal place of business in Placentia, California.

9. Christian Educators serves educators in all fifty states, with approximately 15,000 members. And of those members, approximately 8,000 of them are paying members whose dues fund our services and ministry. There are dues-paying members in all fifty states.

10. Based on our members' stage in teaching, we have four different types of dues-paying membership: professional, student, retired, and associate.

11. Professional members must be W-2 employees of an educational institution. As part of their membership, they receive professional liability insurance negotiated and purchased by Christian Educators for the benefit of its professional members. In addition, Christian Educators' professional liability insurance policy and benefits cover the cost of an attorney if a professional member faces an adverse job action, and it provides access to free legal and educational advice on personnel and religious issues.

12. While professional members may serve at the K-12 or college level, approximately 98% of them serve at the K-12 level.

13. Similarly, although professional members may serve in any educational institution, approximately 96% of them serve in traditional public schools.

14. Thus, the majority of Christian Educators' dues-paying members are "professionals" employed in public schools at the K-12 level.

15. Christian Educators has approximately 6,043 professional members across the country.

16. Student members may be college students and may not be paid as educators. These students receive professional liability insurance negotiated and purchased by Christian Educators for the benefit of its student members, as well as access to free legal advice on religious issues.

17. Christian Educators has around 1,560 student members.

18. Retired members are retired educators. They do not receive any insurance benefits. Anyone who supports the mission and vision can be eligible for associate membership. Those members also do not receive any professional liability insurance benefits. Christian Educators has 365 retired and associate members.

19. In addition to dues-paying members, Christian Educators has 7,000 “movement members” who are included in the mailing list, but do not pay dues or receive insurance benefits.

20. There are 501 professional members in Tennessee, and 481 of those members are employed at public schools.

21. There are 451 professional members in Kentucky, and 439 of those members are employed at public schools.

22. There are 312 professional members in Ohio, and 297 of those members are employed at public schools.

23. There are 59 professional members in West Virginia, and 57 of those members are employed at public schools.

24. There are 189 professional members in Virginia, and 162 of those members are employed at public schools.

25. There are 124 professional members in Indiana, and 120 of those members are employed at public schools.

26. Christian Educators has 1,666 paying members with coverage in the Sixth Circuit. There are 1,390 professional members in the Sixth Circuit, and 1,340 of those members work at public schools.

27. Christian Educators was founded in 1953 when several Los Angeles educators and school administrators met to create a coalition of like-minded individuals who work in public schools. The coalition’s goal was to reach students across America and provide them with caring teachers concerned for their moral and spiritual well-being.

28. Over the last 70 years, Christian Educators has grown and now has members nationwide. Christian Educators provides training and resources to its member educators, enhancing their professional and personal development while offering membership benefits.

29. We publish content, host events, plan trainings, and distribute materials all geared toward the spiritual development of our members. Some of our training and materials are designed to educate our members on issues such as their First Amendment rights and responsibilities and the current law governing union representation of teachers.

30. Christian Educators offers several benefits to its members.

31. For example, Christian Educators offers members \$2 million in professional liability insurance, a local attorney to represent members in possible job actions against the members, unlimited consultations with attorneys and educational experts, and all the support provided from a biblical worldview.

32. Our members consult attorneys and educational experts on several different professional categories and areas.

33. Our members consult attorneys and experts to discuss issues like allegations about harassment or about members expressing their views and in turn offending someone who complains. They also discuss contract and employment issues, which usually pertain to issues such as non-renewal of contracts, involuntary transfer, suspension, or termination of employment.

34. They discuss their educational practices, such as the best practices for developing or managing Individualized Education Programs and observations by supervisors. Our members receive consultation from attorneys and experts on faith challenges, like how to deal with the worldview clash over gender identity or whatever the issue of the day is. We encourage our members to respond humbly,

prayerfully, and consistent with their religious beliefs while seeking to love and respect others.

35. Members receive consultations on peer conflicts, which could involve issues with teachers' aides, union representatives, or even hostility towards our members because of their faith.

36. The attorneys help our members with professional associations. We help our members with their teachers' unions and discuss issues such as opting out, receiving fair representation or benefits under the collective bargaining agreement, or even if the members are excluded from bargaining unit meetings. The attorneys also help the members with supervisor conflicts, where the supervisor lacks support for a teacher and disciplines them or is hostile toward the teacher.

37. Our members also consult with attorneys about their religious freedoms. Most often, these issues concern what teachers can and can't do regarding sharing about their faith, praying, having a Bible at work, advising Christian clubs, posting scripture at or near their desks, and any religious accommodation requests. This also includes any parent/student conflicts. Increasingly these issues are students wanting to identify as another gender socially at school without informing their parents.

38. Christian Educators also provides a broad spectrum of resources to equip our members to live out their faith in public schools. One of the ways we do that is through our online national conference called the Rise Up Summit, attended by approximately 10,000 educators each year. We co-host the Summit with Teach 4 the Heart and we have hosted well-known Christian leaders like Francis Chan, Mark Batterson, David Platt, Sean McDowell, and others. Our other in-person events help encourage and equip teachers to best help their students.

39. We host our events to provide encouragement to our members. The primary focus of our events is to teach our members how to think biblically about

who we are and who God is and how to show God's love to others in their work. We encourage them to model their beliefs in all aspects of their lives. We teach our members how to see challenges at their schools and in their classrooms as opportunities to trust and represent Christ. We help our members connect Christian educators with each other to build and sustain the local community. We equip our members to share about our Christian Educators organization with their colleagues and others. We also teach our members what teachers can and cannot do to respect the rights of their students and the school community.

40. We publish an award-winning magazine called Teachers of Vision, which has three editions a year. We also publish a monthly column focused on public policy issues called Free to Teach. We send out a monthly email newsletter called "In the Know" that informs our members about current events, resources, and opportunities. For encouragement, we send a daily devotional to all our members.

41. Our website is full of free resources for our members to use when needed. Our "Resource Center" houses many of our materials for our members. We have resources tackling topics such as articles of interest for Christian educators, professional development webinars, encouragement, campus ministry, parent engagement, prayer and bible study, benefits of membership, insurance, legal advice, and union issues. Each topic has webinars, videos, and publications that our members can access freely.

42. For example, our website has documents explaining our professional liability plan for our members. At Christian Educators we want to provide our members with peace of mind that, even if their school does not have coverage to defend a teacher, Christian Educators provides a back-up plan.

43. Christian Educators helps its members while also abiding by its own Statement of Faith, which explains some of Christian Educators' religious beliefs on topics including the Trinity, the Bible, Jesus Christ, and the need for redemption.

44. Christian Educators also maintains a mission and vision statement that underscores the idea of empowering Christian educators "to serve as thriving ambassadors for Christ in our schools."

45. Christian Educators also has a set of moral and religious standards for employees and volunteers entitled the Kingdom Living Standards for Staff/Volunteers. This includes upholding "the understanding of gender that affirms the goodness of God's creation of humankind as male and female and recognizes the blessing of living in congruence with His created order—a created order demonstrated in this context through biological sex."

46. To become a member of Christian Educators, an educator visits the website, completes a form, and pays a membership fee. Many members opt to resign from teachers' unions before they join Christian Educators. We will assist potential members in that process.

47. There is a faith requirement to joining Christian Educators. The membership form has a "Faith Agreement" and requires an affirmative response to the statement, "I am a Christian."

48. Christian Educators works to educate its members on how to navigate issues involving gender identity that come up in the school setting without compromising on their beliefs as Christians.

49. Christian Educators members generally object on religious, scientific, and philosophical grounds to referring to a student by pronouns that do not align with a student's biological sex.

50. Christian Educators has addressed the issue at our Rise Up Summit, as well as in our Teachers of Vision magazine and the monthly Free to Teach columns.

51. Christian Educators also has a page on its website dedicated to gender-identity issues, including an article I wrote on handling requests to use a student's self-selected pronouns. See David Schmus, *Gender Pronouns: Navigating a Difficult Landscape*, available at <https://magazine.ceai.org/stories/navigating-gender-pronouns>.

52. Christian Educators regularly advocates for the right of its members, at school and related school functions, to use biologically accurate pronouns consistent with their religious beliefs and for the right of its members to express their religious beliefs in appropriate settings at school and school functions.

53. These beliefs held by our members and their expression of their rights are encouraged to be reflected with integrity in their everyday interactions with others as an exercise of their sincerely held religious beliefs.

My Role as Executive Director

54. I submit this declaration on my own behalf as Christian Educators' Executive Director and on behalf of Christian Educators as its corporate representative.

55. I have my bachelor's degree in political science from Pepperdine University, a master's degree in biblical studies and theology from Biola University, and a secondary teaching credential from Biola University. I was an adjunct professor at Biola University teaching Christian Worldview and Biblical Studies courses for 13 years. I became a member myself of CEAI in 2005, and then began volunteering as seminar/workshop speaker/leader with CEAI in 2010. I began working for CEAI in 2015, and was promoted to Executive Director in 2017.

56. Given my frequent interactions with all aspects of the organization and its members, I know our organization's operations and membership. As Executive Director, I participate in all CEAI Board of Directors activities as a voting member. I help ensure that Christian Educators' leaders implement Christian Educators' mission and values and help ensure that local members share the mission and values. I am responsible for increasing Christian Educators' membership and for advocating for our members. I supervise the member admission and ensure the members share Christian Educators' positions.

57. I have observed the operations and circumstances of Christian Educators' members related to their commitment to living their Christian examples in their classrooms and supporting Christian Educators' values in their workplaces.

58. As Executive Director of Christian Educators, I know the concerns of Christian Educators' members. Based on my experience and interactions with members, I know that educators are gravely concerned about the effects that these Title IX changes will have on them and how the changes will clash with their constitutional rights and the statutory protections that they may lose.

59. Many members are expressing their reservations to our consultants and indicating they are not likely to speak out publicly for fear of retaliation and they are concerned with coerced self-censoring due to the chilling nature of the Title IX changes. And under the new rules, members fear that they will be subject to Title IX complaints for expressing their sincerely held beliefs during informal conversations at their school and even for their speech occurring outside of school with students and colleagues, whether at their church, on social media, or in other conversations.

60. For example, I know educators who have faced pushback and ridicule in their jobs because they failed to use a student's chosen pronouns in class or for opposing the school's gender ideology. Decent and honorable teachers who want to

follow their religious convictions while providing a safe and respectful environment for children to learn are at risk because of these changes.

61. Christian Educators recently conducted an email survey of its members, and of the 637 members that responded, more than half of the members reported that students requested the teachers use pronouns or other identifiers that communicate the student identifies as a gender identity that is different from their biological sex.

62. And twenty-three respondents related circumstances in which school officials and others have punished or threatened to punish educators for refusing to use these inaccurate names or pronouns.

63. And other members expressed situations where they are in schools or can invoke state laws or school policies that protect their rights to use pronouns consistent with students' biological sex.

64. We have had members accused of harassment because other teachers in their schools were offended by what our members said about gender identity or believed generally about their faith.

65. For example, a teacher member in Virginia received a Title IX complaint from another teacher in their school because our member expressed disapproval of using pronouns for students that do not align with the student's sex. The teacher was offended by this view and filed a complaint against our member.

66. In Colorado, one of our members was accused of bullying a student and causing the student severe mental harm for failing to use the student's chosen pronouns that did not align with the student's sex. Our member would not use this student's chosen pronouns, and the member was accused of discriminatory and offensive remarks toward the student.

67. Another member in Colorado was fired from a substitute teacher position because the member told a student that there is more to life than this student's gender identity.

68. One of our members is the Bible Club sponsor at this member's school in California. The member was accused of harassment for hosting different events and discussing biblical issues, even though this member and the Bible Club followed the school's policies for hosting events and speaking about their beliefs.

69. These are just a few examples of the harassment our members face at their schools when they speak according to their religious beliefs. The teacher colleagues at our members' schools are often easily offended, especially about gender identity issues. This offense causes some of our members to be afraid to speak their religious views. It causes other members to chill their speech about their views, as they do not want to be falsely accused of harassment or bullying simply for sharing a belief about gender identity that is unpopular.

70. I anticipate that, when the new Title IX rules go into effect, Christian Educators will receive many more calls and questions from our members about how to handle situations like using inaccurate pronouns, speaking about religious beliefs on gender identity without incurring liability, and accessing single-sex intimate spaces (like restrooms) with members of the opposite sex. We help our teachers with numerous issues in the schools and the classrooms. If the Title IX rules go into effect, we will have reduced bandwidth for our current operations.

71. Christian Educators has already received inquiries about these topics and expended resources answering those questions as they come up under local school policies. But because the new Title IX rules create a nationwide policy, I fully expect, based on past inquiries, that Christian Educators will receive many more inquiries about the new Title IX rules as they relate to these topics.

The effect of new Title IX rules on Christian Educators' members

72. Christian Educators' members are harmed by the Biden Administration's recent changes to the Title IX regulations.

73. Christian Educators' members teach from a foundation of their Christian faith, which means their faith informs how they communicate with students and conduct themselves in the classroom. They want to show dignity and respect for all their students.

74. The vast majority of our members teach at schools that must comply with Title IX. This means that the schools comply with the Title IX prohibition on sex discrimination. It is standard for schools to have a process for Title IX violations.

75. Compliance with Title IX in public schools is expected for teachers and other employees.

76. Because of this compliance with Title IX, Christian Educators has thousands of members who are teachers in schools that are impacted by the Biden Administration's changes to Title IX.

77. Approximately 96% of our members teach or work at schools that are in traditional public schools and will be impacted by the changes to Title IX.

78. The Biden Administration's changes will require Christian Educators' members to use pronouns that do not align with their students' biological sex. If they refuse to use pronouns that violate their faith, they will be subject to discipline at their individual schools and even face termination.

79. The Title IX changes will also apply to interactions in classrooms, outside of classrooms, between employees, and even online when the teachers may post something that students and teachers see.

80. Christian Educators' members Silvia Moore, Michelle Keaton, Amy McKay, Brett Campbell, and Joshua Taylor have filed declarations in this case, and

I can affirm that, based on my interactions with other members, the statements and experiences of these specific teachers are similar to those of other members of Christian Educators.

81. Based on my interactions with and knowledge of Christian Educator members, I anticipate that the new Title IX rules will lead to teachers being required to use pronouns that violate their religious beliefs and/or coerced into silence by the chilling effect of these changes in order to remain in good standing with their employers. Either way, they are forced to choose between staying silent about their beliefs or speaking according to their beliefs and facing possible discipline at their schools.

82. Based on my interactions with and knowledge of Christian Educator members, I anticipate the new Title IX rules will lead to teachers being falsely accused of harassment for expressing their biblical views on sex, gender-identity, and human sexuality. The fear of government persecution is a reality.

83. Christian Educators joined this suit to ensure its members will not face discipline, investigation, or any other negative repercussions, official or social, for exercising their constitutional and statutory rights.

The effect of new Title IX rules on Christian Educators

84. In addition, Christian Educators joined this suit to ensure that the organization can focus on its primary mission of developing professionals as Christian educators—instead of diverting its limited resources in response to Defendants’ unlawful Title IX actions.

85. Christian Educators exists to support, connect, and protect our members and spur them on toward greater spiritual development they use in their daily lives, at their schools, and in their classrooms.

86. Daily, we as an organization are busy responding to service requests from our members, managing memberships, developing and distributing online and printed content, producing live and virtual events, praying for and with our members, and developing our membership, mission, and service offerings.

87. In response to Defendants' Title IX actions, Christian Educators will need to reduce our work on creating content, preparing for our annual events, and managing our memberships with current members. Instead, we will be consumed by answering calls from members regarding how they can remain faithful Christians while implementing the new Title IX rules as teachers. That is because these questions are not easily answered about how our members can follow the Title IX rule changes while staying true to their faith convictions.

88. The difficulty of these questions means that we cannot simply push out standard content to answer our members' questions. Instead, we will have to walk through these challenges with our members in prayer and discernment as they weigh whether to quit, risk violating their faith, or risk being charged with violations and prosecuted. It will be a very time-consuming process.

89. These efforts will remove our ability to consult with our members on their professional association questions or supervisor conflicts. We will not be able to operate normally due to these strenuous Title IX rule changes and the burden they place on our members.

90. Also, if these Title IX changes were to go into effect, we anticipate that many of our members would either resign or retire early and lose their positions at their schools due to non-compliance with the rules. This would shrink the number of members who participate with Christian Educators, and it would be a direct harm.

91. Over the years, we have heard from many of our members that they will not comply with rules that require them to communicate messages that violate their faith, particularly about gender identity. These members work in public

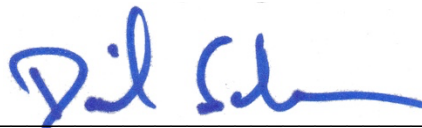
schools and will not comply with the Title IX rule change. If those members were terminated from their schools and the membership of Christian Educators diminished, it would cause us as an organization to lay off our staff and limit our ministry initiatives.

92. If Defendants are not enjoined and the Title IX actions are not set aside, Christian Educators will continue to suffer organizational harm and redirect its limited resources in response to Defendants' unlawful actions.

DECLARATION UNDER PENALTY OF PERJURY

I, David Schmus, a citizen of the United States and a resident of the State of California, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 2nd day of May, 2024 at Washington, D.C.



David Schmus

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

State of Tennessee; Commonwealth of Kentucky; State of Ohio; State of Indiana; Commonwealth of Virginia; and State of West Virginia,

Plaintiffs,

and

Christian Educators Association International; A.C., by her next friend and mother, Abigail Cross,

Proposed Intervenor-Plaintiffs,

v.

Miguel Cardona, in his official capacity as Secretary of Education; and **United States Department of Education,**

Defendants.

Case No. 2:24-cv-00072-DLB-CJS

DECLARATION OF BRETT CAMPBELL

I, Brett Campbell, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration. I have personal knowledge of the information below.
2. I am a Christian and a current member of the Christian Educators Association International. I have been a member since 2023.
3. Christian Educators is a professional association that provides legal and spiritual resources for teachers.
4. When I first began teaching, I needed to get insurance coverage. I decided to get insurance from Christian Educators because it shares my convictions and seeks to equip and protect educators in ways that align with my values.
5. Since high school I have felt called to teach. My own teachers were incredible. I wanted to help students reach their potential and do my best to set an example for them as my teachers did for me.
6. In May 2023, I received my degree in Secondary Education with a focus in History from Tennessee Technological University.
7. In the fall of 2023, I began teaching 7th grade social studies at Warren County Middle School in Warren County, Tennessee.
8. This is my first position as a teacher, and it has already been incredibly rewarding.
9. Middle school is a challenging time for many students and a time of growth and maturing.
10. Getting to walk with students during this season of life is a privilege. I try to convey the subject matter to them but also to help them develop important life skills like communication, time management, and a healthy sense of self.
11. Social studies covers a broad range of historical topics and themes. The students enjoy trying to better understand the past and how we can learn from it.

12. My faith impacts my work. It is my source of hope and pervades my approach to teaching and my interactions with others, in and out of the classroom.

13. Love is at the heart of the Christian faith. My beliefs inspire me to reflect authentic love in my interactions with students, faculty, and staff.

14. As part of my religious beliefs, I also believe that God created every person to reflect Him. Therefore, I believe everyone deserves to be treated with dignity, kindness, and compassion. I strive to do that with my colleagues and students.

15. I also believe that God created two distinct sexes, male and female, and that people cannot change their sex and should not try to change their sex. According to my beliefs, God determines each person's sex and that is something we should accept as a gift, rather than reject. So I believe that people should seek to accept their bodies and live consistent with their sex because this allows them to flourish.

16. I teach five classes of 25-30 students. Each day, I interact with about 150 students.

17. In addition to my classes, I speak with students outside of class in hallway conversations or when they stop by my classroom.

18. Students have requested that I refer to them using different names than their given names because they identify as the opposite sex or as non-binary.

19. Currently 3 students in my classes identify as transgender. Outside of class, I also interact with several other students who identify as transgender. Overall, about 7 students at Warren County Middle School identify as transgender.

20. While I call students by their requested name, I do not and will not call them by pronouns that differ from their sex because doing so violates my religious beliefs.

21. I believe that by using inaccurate pronouns—pronouns that reflect people’s gender identity and contradict their sex—I am lying to them and accepting and promoting views contrary to my religious beliefs. Specifically, I believe doing so contradicts my beliefs about humanity, God’s creation of two sexes, and God’s design for human flourishing. Not only that, I also believe that using inaccurate pronouns is inconsistent with my duty as a teacher to tell the truth.

22. I could not use inaccurate pronouns when referring to students or colleagues without violating my faith.

23. Some of my students are aware that I am a Christian, so it would be especially harmful for me to speak and act in a way that my students know violates my beliefs. It would make me look like a hypocrite.

24. My faith and duty as a witness to my students compel me to live with integrity—consistent with my convictions on and off campus.

25. To my knowledge, Warren County does not require teachers to use inaccurate pronouns. No official or administrator at the school has ever told me I must use pronouns inconsistent with someone’s sex.

26. As I understand it, Tennessee law protects public school teachers from being compelled to use pronouns not consistent with someone’s sex.

27. I also understand that, under another Tennessee state law, students and staff must use restrooms consistent with their sex, without regard to gender identity.

28. Our school does not have separate restrooms for the teachers. We use the same school restrooms as the students.

29. The restrooms are designated for males and females and are multi-use.

30. I would not be comfortable and do not want to use the same restroom as a female student or staff member. It would be awkward and embarrassing for me

to do so. I especially do not want to share this space all alone with a girl, someone who could be as young as 12 years old, while I go to the restroom.

31. The male restrooms have both stalls and urinals. The stalls are standard metal frames with a latch between the doors and the wall panels. The panels end more than a foot above the ground and only are about 6.5 feet high.

32. The restrooms are not set up to provide much privacy, which is why they are separated by sex.

33. Getting to know the other teachers through conversations in the teachers' lounge is a fun part of being a teacher.

34. Sometimes during the lunch break or in our classrooms when we are not teaching, other teachers and I discuss the challenges facing educators today. This helps me to learn from my colleagues and to better support them.

35. Some of our conversations have been about gender-identity issues. This topic inevitably comes up. For example, teachers discuss how students have asked teachers to refer to them by certain pronouns or names and how teachers have to update their class rosters and student profiles. Teachers have also discussed whether it's in the best interest of children to be treated like they are the opposite sex.

36. During those conversations, I have conveyed that my faith teaches that sex is immutable and is based on biology. I have also discussed that I believe it is harmful for students to be treated as the opposite sex. In these conversations with other teachers, I have affirmed that I believe it is in the best interest of students to be treated consistent with their sex as recorded on their original birth certificate.

37. No school official has ever told me to stop discussing my views on gender identity with other teachers and staff.

38. If the Title IX rule requires all teachers to use preferred pronouns, I will not be able to do that because I cannot speak contrary to my religious beliefs.

39. I am also afraid that the new Title IX rule will prevent me from discussing my views with other teachers or responding honestly if a student asks me my views on gender identity.

40. Warren County Board of Education has a policy requiring that all employees are trained in complying with federal laws including Title IX. We are required to report any behavior that we reasonably believe constitutes a Title IX violation to the district's Title IX Coordinator.

41. In the Title IX training that employees receive, we are told to immediately report conduct that we think may constitute a violation. The training tells us that if we are unsure whether certain behavior qualifies as a Title IX violation, we should report the conduct to the Title IX Coordinator immediately without seeking further information.

42. It is my understanding that the new Title IX rule takes effect on August 1, 2024. Starting then, I will avoid talking about these issues at school for fear of the repercussions. I will not share my beliefs on issues like gender identity on campus for fear of being reprimanded by the school or violating the regulation. I don't want to risk exposing myself to punishment, and it's better that I avoid speaking my views than take that risk.

43. For example, I will no longer tell staff or students that a boy who identifies as a girl is still a boy (or vice versa), that there are only two sexes, that people can't change their sex, and that people are better off living consistent with their given sex. If the topic comes up after August 1, I will simply say I can't talk about that right now.

DECLARATION UNDER PENALTY OF PERJURY

I, Brett Campbell, a citizen of the United States and a resident of the State of Tennessee, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 1 day of May, 2024 at McMinnville, Tennessee.

Brett Campbell

Brett Campbell

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

State of Tennessee; Commonwealth of Kentucky; State of Ohio; State of Indiana; Commonwealth of Virginia; and State of West Virginia,

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Christian Educators Association International; A.C., by her next friend and mother, Abigail Cross,

Proposed Intervenor-Plaintiffs,

v.

Miguel Cardona, in his official capacity as Secretary of Education; and United States Department of Education,

Defendants.

Case No. 2:24-cv-00072-DLB-CJS

DECLARATION OF MICHELLE KEATON

I, Michelle Keaton, declare as follows:

1. I am over the age of 18, of sound mind, and otherwise competent to sign this declaration. I have personal knowledge of the information below.

2. I am currently a member of the Christian Educators Association International. I have been a member of Christian Educators since 2021.

3. I am a Christian, and I joined Christian Educators because its mission aligns with my own Christian faith and beliefs. When I became a teacher, I looked for an educational association that would not only provide the insurance coverage I needed, but that also aligned with my values. Christian Educators does not fund causes that violate my religious beliefs.

4. I also joined Christian Educators to get legal advice on how to handle any situations that might come up in the school context.

5. Teaching is my opportunity to show God's love to others; it provides me with a platform through which I can have a positive impact on children. Christian Educators supports this goal and provides me with the resources necessary to do my job from a biblical perspective.

6. I currently work as a business teacher in Dr. Paul Kelley Volunteer Academy, a public school in Knox County Schools in Tennessee. In our public school, we primarily teach juniors and seniors from surrounding schools who are in danger of not graduating high school. We provide more intensive instructional support and alternative teaching methods to ensure these students can graduate on time and become college and career ready.

7. I was hired at Dr. Paul Kelly Academy in 2016. I have been a teacher for 22 years, and for almost all 22 of those years, I have taught in Knox County.

8. Knox County Schools has established Title IX policies that say the school complies with Title IX. My county is committed to following the Title IX policies.

9. During my time as a teacher, I have received training on Title IX.

10. At the beginning of this year, I attended a staff training on all the pertinent regulations we need to abide by in our classrooms. There were two slides that discussed Title IX requirements. We have this meeting at the beginning of every school year. I attended this meeting at the start of the 2023–24 school year.

11. Once my school provides me the information on the pertinent regulations, we sign a document attesting that we have received the information about school-required policies.

12. My school district takes Title IX compliance very seriously.

13. We have a process for Title IX violations at our school. When there are Title IX violations or complaints, there is a chain of command that flows up to the school superintendent. There is also a self-reporting requirement for Title IX violations in my school district.

14. Each year, I have regular contact with about 30–45 students through my classes.

15. This year, I had one student who was gender-confused and identified contrary to their sex. This student was in my class and requested that I use pronouns that did not align with the student's sex. The principal brought up the issue with me. Thankfully, the situation resolved itself, and I was never required to use inaccurate pronouns. I would not have done so if ordered to.

16. In the 2021–2022 school year, I experienced a similar situation. A student in my class requested that I use pronouns that didn't match the student's sex. I did not want to use the inaccurate pronouns, and the student expressed

concern to my principal. Thankfully, the situation was resolved without me having to use inaccurate pronouns.

17. No school administrator or principal has ever informed me that I must use a student's pronouns that do not align with the student's sex.

18. That was not the only interaction over gender-identity issues that I had with that student who this year wanted me to use inaccurate pronouns. One day, three students were out talking in the hallway, and class was about to start. At first, I told the group they needed to go to class. A few minutes later, they still had not gone to class, so I asked the students to go to class. I referred to each student according to their sex, not their gender identity. One of the students was the student who asked me to use inaccurate pronouns, and I referred to that student according to the student's sex.

19. The students were upset that I did not refer to the student according to the student's gender identity. One of those students expressed distress about how I referenced the student. That same student reported false allegations against me to my principal.

20. I care deeply for my students, and I do not want to lie to them or encourage them into a situation that will only make their lives more difficult. I believe that God created each person in his image, that God created two distinct sexes, male and female, and that sex is immutable. Because of my religious beliefs, I will not lie to my students, and I will not promote the view that people can change their sex, or that people should live contrary to their sex. If I were forced to use pronouns that do not match someone's sex, it would violate my religious beliefs and express views I disagree with.

21. Given the many students I teach and interact with regularly, I expect the number of requests I receive for using different pronouns to increase.

22. I do not want to devalue the God-given worth of a person by perpetuating what I believe is a lie. To affirm or use a pronoun contrary to someone's sex would be inconsistent with my beliefs and what I believe is God's design for that person. I simply cannot affirm that a boy is a girl or vice versa, and I cannot, consistent with my religious beliefs, participate in a process of encouraging students to live contrary to their sex. I believe that the "social transition" process will harm them.

23. I am aware that using pronouns a student requests as part of expressing a new gender identity is called "social transition." It is my understanding that this "social transition" process often leads to children then undergoing dangerous medical procedures, like taking puberty blockers or cross-sex hormones and undergoing surgeries, in an effort to make them look like the opposite sex. I do not want to encourage students to go down that road of making potentially irreversible and life-changing decisions they may later regret. So I will not lie to my students by using pronouns that conflict with their sex.

24. I would object to using inaccurate pronouns of teachers, staff, or students based on my conscience because that policy would force me to violate my deeply held religious beliefs and force me to communicate ideas contrary to my beliefs.

25. I also do not want to stop expressing my beliefs about gender identity in school even if others disagree with me.

26. I have experienced issues with my colleagues when I express my religious beliefs. For example, one day in the hallway, I was talking with a fellow teacher when she received a notification that Tennessee's law protecting children from drag shows passed and would go into effect. I told her that I was happy it passed. A teacher who was walking by heard my comment, turned around, and began to yell at me. She told me that she did not understand why I would be happy

about that law, and she attacked the sincerity of my religious beliefs because of my views on the law. She even told me that my expressing my opinion on the Tennessee law passing was the equivalent of using hate speech.

27. She was yelling at me so loudly that other teachers came out of their rooms to see what the commotion was. She was visibly upset and offended by what I had said.

28. But even when others disagree with my beliefs, I do not want to be forced to stop discussing my beliefs on topics that are important to me.

29. I also do not want to have to censor my speech with others.

30. One day, one of my students came to me outside of class time to express his distress that another teacher was negatively discussing Florida's law that would protect young children from hearing about sexual orientation and gender identity. He wanted to know what I thought about it and knew I would welcome a conversation with him. We briefly discussed the matter.

31. I want to continue expressing my views in appropriate settings during the school day, such as when I'm interacting with my colleagues during lunch or in the hall, as I have done in the past. I fear that if the Biden Administration's Title IX rule changes go into effect, I will be kept from speaking the truth about religious and controversial topics, particularly as they relate to gender ideology.

32. Specifically, I want to be free to tell my colleagues about my religious beliefs when asked and when the topic comes up and explain how God created two distinct sexes and how gender ideology is inconsistent with common sense and my religious beliefs. I want to explain why I am participating in this lawsuit and why I think it's important to reject the false idea that people can or should try to change their sex. I want to explain that a boy is not a girl or vice versa and that it is a lie to say otherwise.

33. Many of my colleagues disagree with me on topics of gender identity, women's sports, and even medical transition efforts. Some colleagues have scolded me and asked me who am I to judge others on what they want to be called. Other colleagues have said they will use a student's preferred pronoun when a student requests it because they do not care. Many of my colleagues disagree with my views on human sexuality. The principal wants everyone to feel comfortable in the school.

34. I will not be able to comply with any new Title IX rule changes or new school policies that require me to use pronouns that do not align with someone's biological sex. If that happens, I fear I will be fired, or I will have to quit my job.

35. I also know I will not be able to abide by the school district's requirement that I report myself or others for violating these new changes to the Title IX rules. I will not use a pronoun that does not align with a student's biological sex, and I will not self-report that violation or report that Title IX violation if I hear other teachers referring to students only using pronouns that align with a student's sex.

36. It is my understanding that the new Title IX changes go into effect August 1. To avoid violating those regulations and to avoid being punished by my school for expressing my beliefs, I may have to quit my job if I know I will be forced to speak and convey messages that I disagree with.

DECLARATION UNDER PENALTY OF PERJURY

I, Michelle Keaton, a citizen of the United States and a resident of the State of Tennessee, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 02 day of May, 2024 at 9:00,
A.M.

Michelle Keaton

Michelle Keaton

22. Specifically, I want to be free to tell my colleagues about my religious beliefs when asked and when the topic comes up and explain how God created distinct sexes and how gender ideology is inconsistent with common sense and my religious beliefs. I want to explain why I am participating in this lawsuit and why I think it's important to reject the false idea that people can or should try to change their sex. I want to explain that a boy is not a girl or vice versa and that it is a lie to say otherwise.

23. Many of my colleagues disagree with me on topics of gender ideology, women's sports, and even medical transition efforts. Some colleagues have scolded me and asked me who am I to judge others on what they want to be called. Other colleagues have said they will use a student's preferred pronoun when a student requests it, because they do not care. Many of my colleagues disagree with my views on gender identity. The principal wants everyone to feel comfortable in the school.

24. I will not be able to comply with any new Title IX rule changes or new school policies that require me to use pronouns that do not align with someone's biological sex. If that happens, I fear I will be fired, or I will have to quit my job.

25. I am afraid I will not be able to abide by the school district's requirements and I fear it could be worse if I were to be penalized for violating these new changes to the Title IX rules. I will

EXHIBIT F

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

State of Tennessee; Commonwealth of Kentucky; State of Ohio; State of Indiana; Commonwealth of Virginia; and State of West Virginia,

Plaintiffs,

and

Christian Educators Association International; A.C., by her next friend and mother, Abigail Cross,

Proposed Intervenor-Plaintiffs,

v.

Miguel Cardona, in his official capacity as Secretary of Education; and United States Department of Education,

Defendants.

Case No. 2:24-cv-00072-DLB-CJS

DECLARATION OF AMY MCKAY

I, Amy McKay, declare as follows:

1. I am over the age of eighteen and competent to testify. I have personal knowledge of the information below.

2. I am a Christian and a resident of Shelby County, Tennessee.

3. I have been teaching in public schools for twenty-four years.

4. I have been a member of the Christian Educators Association International for one year.

5. Christian Educators provides me insurance coverage and also supports me as a teacher in ways that reflect my beliefs.

6. I learned about Christian Educators from my sister, who is also a member. In the past, I had received liability coverage from an organization that supported causes I disagreed with. I knew I needed to look for coverage elsewhere. Finding Christian Educators has been a blessing.

7. With Christian Educators, I know my contributions go toward causes that I support. I enjoy getting insurance coverage from an organization that I feel represents me well.

8. My faith impacts how I teach. Because of my faith, I treat everyone with love and compassion and try to set an example for students and colleagues.

9. My faith teaches that people are created by God and deserve to be treated with dignity and respect. I also believe that God created everyone male or female and that someone's sex cannot be changed. I believe that people should live consistent with their God-given sex.

10. I do not believe that a male can be a woman and likewise don't think a female can be a man.

11. I believe that a person's sex is a central part of who they were created to be.

12. I cannot speak or act in a way that goes against my faith.

13. I currently teach 7th grade English at Arlington Middle School in Shelby County, Tennessee, a public school in Tennessee.

14. This is my first year teaching at Arlington Middle School.

15. Before teaching at Arlington Middle, I taught English for ten years to 9th through 11th graders at Arlington High School.

16. Both Arlington Middle School and Arlington High School are part of the Arlington Community Schools District.

17. I greatly enjoy teaching students in Arlington Community Schools.

18. When I taught at the high school, I also coached girls' softball.

19. When I went to college, I participated in college athletics and played softball. Women's sports are extremely important to me. I worked hard as an athlete to get a college scholarship for softball, and I love working with high school athletes to achieve their dreams.

20. I try to be approachable to students. Students inside and outside of class often strike up conversations with me about various topics. I know not all students will agree with my perspectives about everything, but I believe teachers should be someone students know they can trust to be genuine with them.

21. Several of the students I taught at Arlington High School identify as transgender.

22. As far as I know, the high school has between 10 and 15 students who identify as transgender. And as far as I know, Arlington Middle School has around 4 students who identify as transgender.

23. On about 5 occasions, students have requested that I use inaccurate pronouns—that is pronouns that are inconsistent with the students' sex and instead reflect a contrary gender identity.

24. On a few occasions, a student's classmate will push me to use inaccurate pronouns when interacting with their friends who identify as transgender.

25. My religious beliefs do not allow me to address students in a way that indicates that they are a member of the opposite sex.

26. Using pronouns that do not align with a student's sex violates my beliefs.

27. When I have called students who identify as transgender in a way that reflects their sex not their gender identity, the student often responds by giving me a bad look. Frequently, they and their friends will roll their eyes.

28. I have often been afraid students would complain to school officials that I was not referring to them in the way they wanted.

29. Arlington Community Schools District does not require that I use inaccurate pronouns, meaning pronouns that do not reflect a person's sex. No administrator has ever said that I must use inaccurate pronouns.

30. Arlington Community Schools likewise has students participate in sports based on their sex rather than their gender identity.

31. When I was coaching softball, an incoming male student expressed interest in joining the female softball team. The athletic director told the student that only females were allowed on the girls' sports teams at Arlington High.

32. I was relieved because I would not have been comfortable having a male athlete on the girls' team when I coached. I didn't want to participate in taking away opportunities from female athletes on the team.

33. As this example shows, issues related to gender identity frequently come up at the schools where I have worked. In fact, I have often spoken with other teachers about this topic in the teachers' lounge. I have shared my beliefs that

people cannot change their sex and that I believe it is harmful to tell students that they are the opposite sex.

34. Differences between boys and girls are particularly clear in athletics. I have told my colleagues that I do not believe men who identify as women should be able to compete in women's sports. I have shared how hard I worked to play softball in college and how unfair it would've been to allow a man to take my place on the team.

35. I have told them that I would never let my son, a student-athlete about to begin playing college baseball, decide he wanted to play women's softball because that would be unfair.

36. The differences apply off the field as well. I have expressed to my colleagues that males cannot be girls, and females cannot be boys. I have shared my religious belief that God made man and woman distinct. This is very clear in the Bible. I have voiced my belief that regardless of people's preferences, they cannot change their sex and that changes to outward appearance do not alter someone's sex.

37. When I have shared my opinion, other teachers have pushed back, saying that it is respectful to use the pronouns requested by students. I have shared that I believe that teachers' rights also must be respected, and that teachers cannot be required to refer to students based on gender identity rather than sex.

38. I think it is important that teachers and staff have the freedom to discuss their views on controversial topics like this, as it helps us to support one another and to talk through the best way to respect and support students.

39. As an educator, I also feel that it is important for me to advocate for students in my personal capacity.

40. I have posted numerous times on social media about the importance of protecting women's sports.

41. As a female athlete myself, the former coach of a girls' softball team, and the mother of a female athlete, I believe it is critical that males not be permitted to compete against women. Allowing males to compete on women's teams jeopardizes safety and fairness in women's sports.

42. Some of my colleagues follow me on social media.

43. On two occasions, I have had the school administration talk to me about something I posted. In one instance, I removed the post after they spoke to me about it. I know that the school administration is aware of my expression on social media.

44. Arlington Community Schools abide by Title IX.

45. Under the Arlington Community Schools Board Policies, all employees must receive annual training on how to identify and report Title IX violations to the district's designated Title IX Coordinator.

46. The district's Title IX policy is posted on the Arlington Community Schools website and printed in every student handbook.

47. As a teacher, if I am informed of or if I witness something that qualifies as sexual harassment under Title IX, the Arlington Community Schools Title IX policy requires that I report this immediately.

48. From what I understand, the new Title IX rule changes the definition of sexual harassment to include words and actions that previously would not constitute a violation.

49. I am now afraid about sharing my views at school and on social media about issues related to gender identity because I worry that I may violate the new rules. For example, I want to continue to express my beliefs to colleagues and students who ask whether men who identify as women should participate in women's sports, whether they are in fact men, and whether they should be able to access women's sports teams and women's private areas like bathrooms. I want to

continue to share that I think living contrary to your sex is harmful and that boys cannot become girls and girls cannot become boys. I want to explain to others why I don't use inaccurate pronouns and why I believe doing so would constitute lying and require me to speak views contrary to my faith.

50. Beginning August 1, 2024, when these rules go into effect, I will no longer speak openly about my views on gender identity at school for fear that the school will punish me or that I will be found to have violated federal law. I will also limit what I post on social media on these topics for fear of being reported. I would rather stop speaking my views on these topics and avoid the risk of being punished. This certainly will affect how I interact with students and colleagues. I will not bring up topics that I would have, and I will avoid engaging in conversations on topics related to gender identity until I know I won't be punished for expressing my views.

51. For example, after August 1, I will no longer tell students or staff at school that there are only two sexes. If I am asked directly to say that or what I think about it, I will simply say, I can't talk about that right now.

52. I also will not report myself or other teachers merely for speaking views critical of gender ideology or for declining to use inaccurate pronouns. But I am afraid that come August 1, I will be required to do so because of school policy once combined with the new Title IX changes.

53. I think that requiring teachers to report themselves and one another for expressing their views on topics like gender identity will be harmful to inter-faculty, staff, and student relationships and prevent us from supporting one another. I fear it will substantially affect how we teach and interact with others. It will prevent me from having open and honest discussions about gender identity as I have done in the past.

DECLARATION UNDER PENALTY OF PERJURY

I, Amy McKay, a citizen of the United States and a resident of the State of Tennessee, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 2 day of May, 2024 at Arlington, Tennessee.

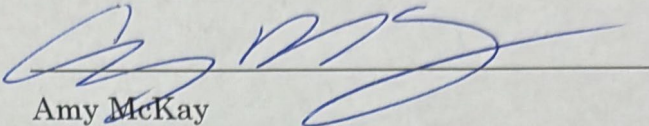

Amy McKay

EXHIBIT G

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

State of Tennessee; Commonwealth of Kentucky; State of Ohio; State of Indiana; Commonwealth of Virginia; and State of West Virginia,

Plaintiffs,

and

Christian Educators Association International; A.C., by her next friend and mother, Abigail Cross,

Proposed Intervenor-Plaintiffs,

v.

Miguel Cardona, in his official capacity as Secretary of Education; and **United States Department of Education,**

Defendants.

Case No. 2:24-cv-00072-DLB-CJS

**DECLARATION OF SILVIA MOORE IN SUPPORT OF
MOTION TO INTERVENE**

I, Silvia Moore, declare as follows:

1. I am a 52-year-old resident of Arlington, Tennessee, and have personal knowledge of the information below.

2. I am a Christian, a public-school teacher, and a member of the Christian Educator's Association. I have been a member of Christian Educators for the last two years.

3. I joined Christian Educators because it reflects my Christian values. It does not use my membership dues to fund causes that I disagree with. It represents me and my interests well. And it offers teacher's insurance at affordable rates.

4. My Christian faith impacts how I teach in the classroom. I try to be kind to my students and show dignity and respect to everyone I interact with.

5. I was first hired by Bartlett City Schools in 2016 to teach Spanish to middle schoolers. I currently teach around 100 students.

6. My school has a policy that says it complies with Title IX's prohibition on sex discrimination. Each year, at the beginning of the school year, we have online training and professional development that includes training on Title IX.

7. According to school policies, all forms of sexual harassment and discrimination on the basis of sex are prohibited. For that prohibition, the school policy cites 34 CFR §106.1, the prior version of the Title IX regulations.

8. According to these policies, I am expected to report any Title IX violations to my school.

9. My school also has a code of conduct that requires all teachers to comply with all applicable federal and state laws and to report anyone who violates this code within 30 days. Failure to report is considered a violation of the code. And according to this code, failure to comply with the code will result in disciplinary

action up to and including dismissal. Every teacher must agree to sign this code of conduct to continue working at the school.

10. Every year my school conducts multiple trainings on different topics, including sexual harassment and discrimination. Every year teachers must complete online trainings. Teachers can test out of some trainings, but not every training. Teachers are given the option to answer questions regarding sexual harassment and discrimination instead of sitting for the trainings every year.

11. School administrators have communicated to me that they expect me and other school employees to comply with Title IX.

12. To my knowledge, my school does not have a policy about students who identify as the opposite sex or who ask to be referred to by inaccurate pronouns, meaning pronouns contrary to their sex. In fact, no school administrator has ever communicated to me that I must use inaccurate pronouns. It is my understanding that Tennessee state law currently protects my right to use pronouns consistent with someone's sex.

13. I do not object to using nicknames if the students request them. But I will not use inaccurate pronouns—such as referring to a female student with he/him pronouns, or a male student with they/them pronouns—because to me, that would be lying. That would violate my conscience and my religious beliefs about God's design for humanity. I cannot say whatever words I am asked to say, especially if it would entail communicating false information.

14. I believe that God created two distinct sexes and that God created humans to live consistent with their sex. So I cannot affirm the opposite, by using pronouns to communicate to people that their sex is irrelevant or that it's ok to try to change their sex or that there are more than two sexes.

15. Two years ago, I had a female student who came to me at the beginning of the school year and asked me to call her by a different name. I agreed

to do so. The female student also asked me to use male pronouns to refer to her. I said that I could not do that. The student is registered in our school system as female, and I know the student to be female based on my years of teaching in that school. The student did not press the issue.

16. There continue to be students in our school system who identify as transgender. I have had students in the past who identify as transgender, and I expect to have students in the future who do, too. So far, that has not been an issue because my school has not required me to use inaccurate pronouns.

17. I also interact with students outside the classroom in the hallway or after school in the Spanish club that I sponsor. If there are students who identify as transgender who attend Spanish club or interact with me outside of class, I will not be able to use pronouns that do not align with their biological sex.

18. I would also like to share my beliefs on gender and sexuality with my colleagues and students in appropriate settings. I have expressed my beliefs about biological sex and gendered language in my classroom with my students. For example, I talked with my students about the Spanish language and how all the nouns have gender, either male or female. One of my students mentioned a peer and said that the student did not have a male or female gender. The student asked how we should refer to that student. I responded that there are only two genders, male and female, and we should refer to the student accordingly.

19. In another class, we read a story written in Spanish that emphasized the differences between men and women. The students read the story about a family with a mom, a dad, and some of their children. One of my students commented that some people who are not women can have surgery, and then give birth to a child. I told this student that only women can have babies.

20. I interact with my fellow colleagues daily on an informal basis. I sometimes eat with other teachers in the school's teachers' lounge. I also speak with

other educators between classes in the halls, during school breaks, in meetings, and in the many trainings we have every year.

21. Because of my faith, I want to express my beliefs on gender identity and the immutability of sex. However, I fear that the new Title IX rules will keep me from having these conversations with my colleagues.

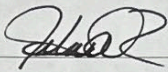
22. I also fear that when the Title IX rules change, my school district will be forced to require me, and other teachers, to use inaccurate pronouns to address students who identify contrary to their sex. I also fear I will be punished for expressing views that align with common sense and my religious beliefs about biology, human sexuality, and gender. I fear that my school will punish me if I will not tell students that there are more than two distinct sexes or that a man can be a woman or vice versa. I also fear that I will violate my school's policy for not reporting myself and others for violating the new Title IX rules. All of this will put me in a very difficult position and leave it unclear what I can and cannot say to comply with state, local, and federal laws.

23. If I am forced to use inaccurate pronouns or to speak in a way contrary to my religious beliefs, I will have to quit my job. I cannot lie and speak views contrary to my beliefs.

DECLARATION UNDER PENALTY OF PERJURY

I, Silvia Moore, a citizen of the United States and a resident of the State of Tennessee hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 2 day of May, 2024 at Arlington, TN.



Silvia Moore

EXHIBIT H

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
COVINGTON DIVISION**

State of Tennessee; Commonwealth of Kentucky; State of Ohio; State of Indiana; Commonwealth of Virginia; and State of West Virginia,

Plaintiffs,

and

Christian Educators Association International; A.C., by her next friend and mother, Abigail Cross,

Proposed Intervenor-Plaintiffs,

v.

Miguel Cardona, in his official capacity as Secretary of Education; and **United States Department of Education,**

Defendants.

Case No. 2:24-cv-00072-DLB-CJS

DECLARATION OF JOSHUA TAYLOR

I, Joshua Taylor, declare as follows:

1. I am over the age of eighteen and competent to testify. I have personal knowledge of the information below.

2. I am a Christian and a resident of Coffee County, Tennessee.

3. I am in my tenth year of teaching in public schools and my fifth year of teaching at Coffee County Central High School, a public school in Tennessee.

4. For over five years, I have been a member of Christian Educators Association International, which has provided my insurance coverage. I appreciate the liability protection, but I am also very grateful to Christian Educators for the way it equips Christian teachers to serve in public schools.

5. Christian Educators helps us to understand the role of faith in the workplace and the legal parameters that govern public school teachers. This helps me to be confident in who I am as a Christian and also that I am following the law.

6. I currently teach 10-12th graders at Coffee County Central High.

7. I teach statistics, geometry, and the Bible as Literature.

8. I deeply believe in the value of public education. It sets students up for success and a bright future.

9. As a Christian, I deeply believe in the dignity and value of each and every person. I strive to reflect this to my students and to witness to them a life of hope and meaning.

10. I believe God has a plan for each person and that He has created every person and has equipped each person with particular traits, gifts, and talents.

11. I also believe that God has created every person either male or female. I do not believe that a male can be a girl or a female can be a boy. I think when people accept who they are, they pursue the best path for them and increase their opportunity to flourish.

12. Coffee County Central High has about 50 students that I know of who identify as transgender, meaning that they present and ask to be referred to as non-binary or in a way that indicates they are the opposite sex.

13. In my time teaching, I have taught about 10 students who identify as transgender.

14. I currently have one student in class who identifies as transgender, and I regularly interact with students, including students who identify as transgender, outside of class.

15. Over the course of teaching, I have been asked by students about ten times to use pronouns that do not reflect the student's sex.

16. Students have even requested to be referred to based on gender identity rather than their sex when I am doing roll call as the proctor for a standardized test like the ACT.

17. I am not able to use pronouns that indicate that someone is a member of the opposite sex.

18. Doing so would violate my belief that God created everyone as either male or female and that people are meant to live in accord with their sex.

19. It is my understanding that Tennessee has a law that protects teachers from having to use pronouns contrary to a student's sex.

20. On one occasion, though, I was in parent-teacher conferences and was speaking to the parents about how their child was performing. I referred to their child as their "daughter," and they emphatically corrected me by speaking about their "son" and "his" experience in the class.

21. This was an extremely uncomfortable experience for me.

22. Because our school system does not require that teachers use pronouns contrary to a student's sex, I am able to speak consistently with my beliefs.

23. The topic of gender identity has also occasionally come up in class.

24. In the Bible as Literature class I teach, I cover the first book of the Bible, which states “male and female He created them.” Genesis 1:27.

25. I also talk to the other teachers between classes and in the teachers’ lounge about gender-identity issues.

26. I usually eat lunch with the other math teachers. The topic of gender identity comes up most often at the beginning of the year since teachers are navigating student requests to use pronouns different from the sex on file with the school.

27. I have told the other teachers that it is my policy to call students by “what they are,” and that I don’t agree with using inaccurate pronouns, meaning pronouns that do not accurately reflect someone’s sex.

28. For example, I have discussed with my colleagues, including those who teach biology, that sex is based on biology and is not something that is chosen based on other factors, like someone’s perceptions of their gender identity.

29. Outside of class, I moderate Refuge 305, a Christian student club that meets before school. Meetings are run by the students, but I attend as a supervisor.

30. Because I teach the Bible as Literature, my students have occasionally asked me outside of class what the Bible teaches on certain topics.

31. Although I do not ever proselytize any students at school, many of the students are aware that I am Christian because of my roles in supervising the Christian club and in teaching the Bible as Literature class.

32. I believe this makes it especially important that I not violate my faith. I do not want a student, religious or non-religious, to think they need to compromise their beliefs in the school setting.

33. My school takes Title IX compliance very seriously. Every year the district distributes the Title IX policy to all students, staff, and parents or guardians.

34. The school trains all employees in how to comply with Title IX requirements and with federal law. The employee handbook states that Title IX compliance is required by the district's policy.

35. Under the district's policy, any individual who is aware of conduct that could constitute a Title IX violation is to report that possible violation to the Title IX Coordinator.

36. Currently, our school does not require me to use inaccurate pronouns. No school official has ever told me that I have to use inaccurate pronouns. Nor has my school ever threatened to punish me for expressing my religious views on gender identity, whether to other teachers or when asked by students.

37. But under the new Title IX rules as I understand them, I would be required to use pronouns that do not reflect an individual's sex if they identify as transgender.

38. I could also be required to report myself and other teachers for not using these inaccurate pronouns or for sharing our beliefs about gender identity in various settings, such as over lunch in the teachers' lounge, if those beliefs criticized gender ideology and sufficiently offended someone. That will make it a hard place for me to work given my religious beliefs.

39. At my school, teachers use the same restrooms as students. That is just standard practice for most teachers given the layout of the school.

40. There are male and female-designated teacher-only restrooms, but they are farther from my classroom and usually not convenient for me and many other teachers to use.

41. Because of this, I generally use the male restroom near my class, which is open to male students and teachers.

42. Under the new Title IX rules, it would also be open to female students and teachers if they identify as male.

43. There are currently female students in the school who identify as male.

44. It would be inappropriate, embarrassing, and uncomfortable for me to be in the male restroom with a female student.

45. The restrooms have minimal privacy. In the restroom nearest to my classroom, there are several urinals and metal stalls, none of which lock and one of which does not have a door.

46. I do not want and should not be forced to share a restroom with a female student, including a student who could be as young as 14.

47. But under the new rules, I would be required to do so.

48. It is my understanding that the rules take effect on August 1. Starting then, I will not be as open to sharing my views on gender identity with my colleagues and with students who ask for my opinion because I fear I will be punished for violating the new rules. For example, I will no longer express my belief that there are only two sexes and that people can't change their sex. I will no longer be willing to share my opinion that a boy is not and cannot become a girl no matter how he identifies. I will try to avoid the topic or say, I can't talk about that.

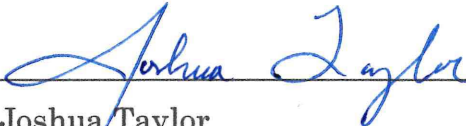
49. I don't think it is worth the risk of expressing my beliefs if there could be serious repercussions. I don't want to be punished or exposed to possible punishment and maybe lose my job for expressing my views.

50. Come August 1, I also will be forced to walk to a farther restroom or be forced to share a restroom with female students and teachers if they identify as male.

DECLARATION UNDER PENALTY OF PERJURY

I, Joshua Taylor, a citizen of the United States and a resident of the State of Tennessee, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 2nd day of May, 2024 at Manchester, Tennessee.



Joshua Taylor