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]w 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, [redacted] and M[redacted]t 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]l 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. _____

COMPLAINT FOR DECLARATORY, INJUNCTIVE, AND ADDITIONAL RELIEF

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.

"The way to stop discrimination on the basis of race is to stop discriminating on the basis of race." *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 748 (2007).

"[T]he line separating good and evil passes not through states, nor between classes, nor between political parties either—but right through every human heart—and through all human hearts." 2 Alexandr Solzhenitsyn, *The Gulag Archipelago* 615 (Thomas P. Whitney trans., Harper & Row 1973).

INTRODUCTION

1. Racism—assigning negative attributes to, and discriminating against, individuals based on their race—has long been a scourge on American society. It remains with us even today. And it is an unqualified evil.

2. But alongside this story of injustice runs another, more hopeful story. A story written on the blood-soaked battlefields of the Civil War, on the streets of Selma, and in a lonely prison cell in Birmingham. Along the way, millions of Americans of all races fought, bled, suffered, and sacrificed to uproot racist institutions like slavery

and Jim Crow, and to renew our founding promise that *all* people are created equal, and endowed by their Creator with certain inalienable rights.

3. The United States Supreme Court has validated these advances when applying constitutional guarantees. The Court has held that "[c]lassifications of citizens solely on the basis of race are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." *Shaw v. Reno*, 509 U.S. 630, 643 (1993) (cleaned up). The Court has recognized that "[g]overnment action dividing us by race is inherently suspect because such classifications promote 'notions of racial inferiority and lead to a politics of racial hostility.'" *Parents Involved in Cmty. Schs.*, 551 U.S. at 746 (quoting *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 493 (1989)). "One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities." *Rice v. Cayetano*, 528 U.S. 495, 517 (2000).

4. The Virginia courts too have recognized that "discrimination on the basis of race [is] odious in all aspects." *See Bethea v. Commonwealth*, 809 S.E.2d 684, 688 (Va. Ct. App. 2018), *aff'd*, 831 S.E.2d 670 (Va. 2019) (cleaned up). The Virginia Supreme Court has explained that racial discrimination "is not only an invidious violation of the rights of the individual," but it also negatively impacts the "rights, personal freedoms, and welfare of the people in general." *Lockhart v. Commonwealth Educ. Sys. Corp.*, 439 S.E.2d 328, 331 (Va. 1994). Thus, the Virginia Supreme Court has long held that classifications based on race "are inherently suspect and subject to close judicial scrutiny." *Sandiford v. Commonwealth*, 225 S.E.2d 409, 410 (Va. 1976).

5. Defendants claim that they want to stand against racism. But rather than eliminate racism from the School District, Defendants have done the opposite.

6. In 2019, the Albemarle County School Board adopted an "Anti-Racism Policy" (the "Policy," Exhibit 1) with the stated purpose of eliminating "all forms of racism"

in Albemarle County Public Schools ("Albemarle Public Schools" or "School District"). And Defendants Matthew Haas and Bernard Hairston implemented the Policy. The Policy is racist at its core.

7. The Policy and the curriculum it mandates indoctrinate children in an ideology (sometimes called "critical race theory," "critical theory," or "critical pedagogy") that views everyone and everything through the lens of race. Far from exploring ideas or philosophies surrounding justice and reconciliation, that ideology fosters racial division, racial stereotyping, and racial hostility. So does the Policy. Through the Policy, Defendants incorporate these pathological teachings into the School District's programming and treat students differently based on race in direct conflict with Supreme Court precedent and the Virginia Constitution and state law.

8. Defendants have reached this anomalous result by embracing a radical new understanding of "racism" that harms and denigrates everyone. This new understanding classifies all individuals into a racial group and identifies them as either perpetually privileged oppressors or perpetually victimized members of the oppressed, denying agency to both. It assumes that racism terminally infects our social institutions, requiring their dismantling. And it imputes racism not only to those who consciously discriminate based on race, but also to those of a certain race (white) who do not actively participate in the prescribed dismantling.

9. For solutions to this newly defined problem of racism, Defendants turn to the teachings of critical race theorists such as Ibram X. Kendi and Glenn Singleton, who prescribe a regimen of disparate race-based treatment and racial stereotyping. In his work *How to Be an Antiracist*, Kendi expressly embraces racist discrimination as the answer to racism: "The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination." Ibram X. Kendi, *How to Be an Antiracist* 19 (2019).

10. Defendants have taken this teaching to heart. And it shows in the documents Defendants have adopted to implement the Policy.

11. In new curriculum created under the Policy and taught to eighth graders last Spring, Defendants reject the idea that racism is a malady of character that can affect any human heart. Rather, they embrace the idea that racism mainly exists in some institutions and some people groups, instructing students that "racism" is "the marginalization and/or oppression of people of color based on a socially constructed racial hierarchy that privileges *white people*." Ex. 8 at 16 (emphasis added).

12. Defendants also urged certain students to consider their privilege or lack of privilege, and to strive to be "anti-racists," because "[i]n the absence of making anti-racist choices, we (un)consciously uphold aspects of *white supremacy*, *white-dominant culture*, and unequal institutions and society." Ex. 8 at 22 (emphasis added).

13. Defendants also conducted division-wide training for teachers where they focused on "white privilege." The training explained that white teachers must be pushed to consider "privilege systems, whiteness, [and] race," to realize that the "myth of meritocracy…isn't true," to recognize "systemic white racism," and to move from color-blindness to racial consciousness. Ex. 7 at 10-13; *see also* WorldTrustTV, *The Summer of Justice and Racial Healing*, YouTube (July 23, 2015), https://bit.ly/32t4vgB (video linked in Ex. 7 at 10).

14. Plaintiffs are students enrolled in the Albemarle Public School system and their parents. They come from a wide range of backgrounds. They are united, however, in the common goal of eliminating racial discrimination in Albemarle schools. To that end, Plaintiffs wholeheartedly believe the U.S. Supreme Court is correct—that ending racial discrimination cannot be brought about by doubling down with even more racial discrimination. Plaintiffs bring this action to halt the racially discriminatory policies and practices that Defendants have implemented in Albemarle Public Schools.

15. Plaintiffs ask this Court to enjoin Defendants from implementing that portion of the Policy requiring the indoctrination of Albemarle students in an ideology that denigrates students—all students—based on their race. That Policy violates Plaintiffs' equal protection rights; compels Plaintiffs to affirm and express messages that contradict their beliefs while silencing dissenting viewpoints in violation of their free speech rights; forces Plaintiffs to violate their sincerely held religious beliefs in violation of the Virginia Constitution; and interferes with Plaintiff parents' fundamental right to direct their children's upbringing and education.

16. Plaintiffs also ask this Court to enjoin the implementation of a disciplinary system designed to silence and punish students who disagree with Defendants' hostile racial stereotypes and race-based discrimination. That system rests on vague disciplinary standards that vest Defendants with unbridled discretion to arbitrarily

prohibit and punish any speech or action that is inconsistent with Defendants' orthodoxy.

17. The question in this case is *not* whether racism still exists; it does. Nor is the question whether racism must be vanquished; it must. Rather, the question is whether Defendants may use unconstitutional means to indoctrinate students with an ideology that teaches children to *affirmatively discriminate* based on race. The Virginia Constitution answers with a resounding "no."

PARTIES

I. Plaintiffs

A. The I[redacted] family

18. Plaintiffs C[redacted] and T[redacted] I[redacted] are the parents and natural guardians of Plaintiffs R.I. and V.I. and, at all times relevant to this Complaint, residents of Crozet, Virginia.

19. The I[redacted]s immigrated to the United States from Panama, leaving behind family and a familiar way of life in search of a better life for their family and in pursuit of the American Dream. Through hard work and dedication, they built a successful business and successful careers. Based on that experience, the I[redacted] believe that in America, hard work will lead to success and that anyone, regardless of race, color, or creed, can accomplish his or her dream.

20. The I[redacted] believe that treating people differently based on race goes against our country's foundational principle that all are created equal. It also violates their religious belief that all persons are equal before God. The I[redacted] strongly object to the School District indoctrinating their children in views contrary to these beliefs.

21. The I[redacted]' son, R.I., a minor, is currently a sophomore at Western Albemarle High School, part of Albemarle County Public Schools, and, at all times relevant to this Complaint, a resident of Crozet, Virginia.

22. The I[redacted]' daughter, V.I., a minor, is currently an eighth-grade student at Henley Middle School, part of Albemarle County Public Schools, and at all times relevant to this Complaint, a resident of Crozet, Virginia.

23. During the 2020–21 school year, Plaintiff V.I. was in seventh grade at Henley Middle School where, in Spring 2021, Defendants conducted a pilot program with curriculum created under the Policy. This curriculum focused on race and identity through an "anti-racism" lens as discussed more fully below. V.I. was part of the pilot program.

24. As an eighth-grade student during the 2021-22 school year, V.I. has continued to receive classroom instruction in several subjects that focuses on race and identity through an "anti-racism" lens.

25. As a sophomore student during the 2021-22 school year, R.I. also has received classroom instruction in several classes that focuses on race and identity through an "anti-racism" lens.

26. R.I. and V.I. share their parents' belief that hard work leads to success, and that the American dream is for everyone. So, they have found the instruction on race and identity confusing and at times disturbing. They also do not know where they fit into this new "anti-racism" ideology. Their racial background would render them underprivileged by Defendants' standards, but their religious beliefs and economic status would suggest privilege instead.

B. The M[redacted] family

27. Plaintiffs M[redacted] and M[redacted] M[redacted] are residents of Crozet, Virginia. M[redacted] grew up in Albemarle County and attended Albemarle Public Schools. After college, he and his wife made their home in Crozet because they love their community.

28. The M[redacted]s firmly believe that treating people differently based on race is morally wrong. For that reason, they oppose the Policy and related curriculum because it purports to fight racism using racist ideas.

29. The M[redacted]s are the parents and natural guardians of P.M., a minor, who currently is in ninth grade at Western Albemarle High School, part of Albemarle County Public Schools. P.M. lives with his parents and, at all times relevant to this Complaint, has been a resident of Crozet, Virginia.

30. During the 2020–21 school year, Plaintiff P.M. was in eighth grade at Henley Middle School where, in Spring 2021, Defendants conducted the pilot program with curriculum created under the Policy. The curriculum focused on race and identity through an "anti-racism" lens as discussed more fully below.

31. P.M. was part of this pilot program and received some of the eighth-grade instruction. But when his parents saw the content of the instruction, they removed him from the rest of the pilot program.

32. The M[redacted]s have withdrawn their younger children from Albemarle County Public Schools because of Defendants' racial discrimination. They hope to keep P.M. at Western Albemarle High School.

C. The G[redacted] family

33. Plaintiffs K[redacted] and M[redacted] G[redacted] are residents of Ivy, Virginia. K[redacted]'s father immigrated to the United States from Turkey. Starting with little, K[redacted]'s father believed hard work was the key to success and he built a successful medical career in America. He instilled in his children the idea that achievement comes from individual effort. Race was never considered a moderator for success.

34. M[redacted] grew up in the state of Georgia. Her father was the first in his family to graduate from college, and her mother taught middle school English. Education, hard work, humility, and love for others regardless of race was always the

message for M[redacted] and her sisters, who have close Vietnamese, black, and biracial family members.

35. The G[redacted]s are the parents and natural guardians of T.G. and N.G., both minors, who live with their parents and, at all times relevant to this Complaint, have been residents of Ivy, Virginia.

36. The G[redacted]s believe that children should not be treated differently based on race, particularly by their schools, and schools should not teach children to focus on the race of their peers and family. They believe that discrimination based on race is morally wrong, and do not want their children to judge or define others, or to be judged or defined, by race. This is particularly important to them given the racial make-up of their family.

37. The G[redacted]s desire to provide the best education for their children. Years ago, the G[redacted]s were dissatisfied with the schools in Georgia and were on a path toward costly private schooling. M[redacted] switched employers and took a job as a travelling analyst to research school systems in different areas. Her research revealed that Albemarle County had a reputation for excellent schools.

38. M[redacted] accepted a job in Charlottesville, and K[redacted] quit his job in Georgia so the family could relocate to Albemarle County. K[redacted] was unemployed for two years as a result.

39. The G[redacted]s specifically bought a house in the area zoned to Murray Elementary and Henley Middle School, both part of the School District, because those schools are so highly rated, even within Albemarle County. They now have two children, T.G., and N.G., currently attending Murray Elementary School.

40. Because of Defendants' racial discrimination, K[redacted] and M[redacted] G[redacted] now are considering withdrawing their children from the School District, even though they moved to Albemarle County precisely for those public schools.

D. The T[redacted] family

41. Plaintiffs E[redacted] and T[redacted] D. T[redacted] ("D[redacted] T[redacted]") are the parents and natural guardians of Plaintiffs D.T. and H.T., and, at all times relevant to this Complaint, residents of Crozet, Virginia.

42. Plaintiffs D.T. and H.T., both minor children, are currently enrolled in Brownsville Elementary School, part of Albemarle Public Schools and, at all times relevant to this Complaint, residents of Crozet, Virginia.

43. E[redacted] and D[redacted]l T[redacted] have two older children who were enrolled at Henley Middle School during the 2020-21 school year. The T[redacted]s pulled both children out of Albemarle Public Schools during the 2020-21 school year largely because they were concerned about the Policy and its implementation through the "anti-racist" curriculum. The T[redacted]s do not plan to put their two older children back into the School District because of the Policy and its implementation.

44. The T[redacted]s believe that children should remain free from racial discrimination. They believe Defendants' Policy and curriculum creates hostility based on race in the school environment, rather than eliminating it.

45. The T[redacted]s brought their concerns to the Henley Middle School principal but saw no effort to address any of the issues they raised. They felt they had no choice but to pull their two oldest children out of public school and enroll them in private school at a cost of about $30,000 a year.

46. The T[redacted]s have currently decided to leave their two younger children, Plaintiffs D.T, and H.T., in Albemarle Public Schools because of concerns about covering the cost of private school. But they are even more concerned that as the Policy is further implemented in earlier grades, they may have no choice but to remove D.T. and H.T. from Albemarle Public Schools as well.

E. The R[redacted] family

47. Plaintiff M[redacted] R[redacted] is the parent and natural guardian of L.R. and, at all times relevant to this Complaint, a resident of Crozet, Virginia.

48. Plaintiff L.R., a minor child, is currently an eighth-grade student at Henley Middle School, part of Albemarle Public Schools, and, at all times relevant to this Complaint, a resident of Crozet, Virginia.

49. During the 2020–21 school year, Plaintiff L.R. was in seventh grade at Henley Middle School. As a seventh grader at Henley Middle School, L.R. participated in the pilot program created under the Policy.

50. As an eighth-grade student during the 2021-22 school year, L.R. has continued to receive similar race-based class instruction in several classes.

51. L.R. is of mixed racial heritage—half white/Native American and half black.

52. M[redacted] R[redacted] is concerned that the Policy and related curriculum encourages children to focus on race in a way that makes L.R. uncomfortable and will put false ideology in his mind about being targeted because he is black. She does 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 his white/Native American mother.

53. Since the School District implemented the Policy, R[redacted] has heard her son joke about and discuss his race in a negative way that she never observed him doing before the School District started implementing the Policy.

54. R[redacted] is also concerned that the Policy encourages teachers and students to treat L.R. differently than other children because of his racial heritage.

55. L.R. does not want other students or his teachers focusing on his race. And he does not want other students or his teachers treating him differently because of his race.

56. M R believes that all children should be treated fairly and equally regardless of their racial background. She does not want L.R. to be singled out or treated differently at school because of his race. And she does not want school instruction to make L.R. feel uncomfortable because of his race, or teach him to view his racial background in a negative way.

F. Plaintiffs' religious and philosophical beliefs

57. C and T I, R.I., V.I., M and M M, and P.M. are, and were at all times relevant to this Complaint, practicing members of the Catholic Christian faith.

58. Plaintiffs M G, N.G, E and D T, D.T., H.T., M R, and L.R. are, and were at all times relevant to this Complaint, practicing members of the Protestant Christian faith.

59. Plaintiffs' Christian faith governs the way they think about all of human life, including human nature, morality, and identity, and it causes them to have sincerely-held religious beliefs in these areas.

60. Plaintiffs' convictions concerning human nature, the purpose and meaning of life, and ethical standards that govern human conduct are drawn from the Bible and, for Plaintiffs C and T I, R.I., and V.I., M and M M, and P.M., also the Catechism of the Catholic Church.

61. Plaintiffs' faith teaches them that each person is a made in the image of God, possesses inherent dignity, and must be treated accordingly. Consistent with their faith, Plaintiffs' endeavor to treat every person—no matter the person's race, color, or creed—with dignity, love, and care.

62. Plaintiffs' faith teaches them that God creates all people equal, and that a person's race has no relation to that person's inherent dignity as a child of God. Accordingly, Plaintiffs believe that all people should receive equal and loving treatment.

63. Plaintiffs believe that a person's race should not determine how they are treated.

64. Plaintiffs oppose racism in every form because it contradicts their religious and philosophical beliefs and the foundational principles of our country.

65. Plaintiffs' faith teaches them that parents are the primary educators of their children in all matters and have the duty to educate their children.

66. Plaintiffs' religious and philosophical beliefs hold that parents have the fundamental right to control their children's education.

67. Defendants' racial discrimination—under the guise of trying to eliminate discrimination—conflicts with Plaintiffs' sincerely-held religious and philosophical beliefs and has forced Plaintiffs to file this lawsuit.

II. Defendants

68. Defendant School Board of Albemarle County, Virginia ("School Board" or "Board") is the public corporate body, with the power to sue and be sued, that governs Albemarle County Public Schools.

69. The School Board derives its authority from the Commonwealth of Virginia and acts under the authority of the Commonwealth of Virginia.

70. The School Board has final policymaking and decision-making authority for rules, regulations, and decisions that govern the school division, including the Policy and implementation of that Policy challenged here.

71. The School Board exercised its policymaking authority by adopting the Policy and by implementing it.

72. The School Board has acquiesced in, sanctioned, and supported, and continues to acquiesce in, sanction, and support, the actions of the other Defendants in implementing the Policy.

73. As superintendent, Defendant Dr. Matthew S. Haas is the chief executive officer of Albemarle County Public Schools. At all times relevant to this complaint, Haas has been the superintendent of the School District.

74. Haas' duties include oversight and control of the School District.

75. Haas' duties include, among others, authorizing, executing, enforcing, and implementing Defendant School Board's policies and overseeing the operation and management of the School District, including adopting the Policy and its implementation.

76. Haas directly supervises Defendant Dr. Bernard Hairston.

77. Hairston is, and was at all times relevant to this Complaint, the Assistant Superintendent for School Community Empowerment.

78. Hairston, as the Cabinet Sponsor of the Anti-Racism Committee, has the authority and responsibility to develop and implement the Policy.

79. Plaintiffs are suing each natural-person Defendant in his official capacity only.

JURISDICTION AND VENUE

80. This Court has subject matter and personal jurisdiction under Va. Code §§ 17.1-513, 8.01-328.1.

81. Venue is proper in this judicial circuit under Va. Code § 8.01-261 because Plaintiffs filed this Complaint in the Circuit Court of the county where the acts supporting this Complaint took place and because Defendants have their place of business in this Circuit.

82. This Court can issue the relief sought under Va. Code §§ 8.01-184–8.01-190 (declaratory judgment, damages, costs, and attorney's fees); § 8.01-620 (injunction); and its common law authority.

FACTS

I. Defendants' policy advances a radical ideology concerning race

83. On February 28, 2019, the School Board adopted an "Anti-Racism Policy." Exhibit 1 to this Complaint is a true and accurate copy of the Policy and Policy Regulations.

84. Dr. Hairston is one of the persons who developed the Policy.

85. The Policy states as its purpose the elimination of "all forms of racism from [Albemarle Public Schools]." It then describes how it seeks to accomplish that goal using the framework of critical theory.

86. By seeking to stamp out "all forms" of racism, the Policy commits the School District to a sweeping task of engaging in "anti-racist" action against three types of racism: "individual racism," "institutional racism," and "structural (or systemic) racism."

87. The Policy defines these concepts in the following ways (Ex. 1 at 2):

> Anti-racism: the practice of identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism.
>
> Individual racism: pre-judgment, bias, or discrimination by an individual based on race. Individual racism includes both privately held beliefs, conscious and unconscious, and external behaviors and actions towards others.
>
> Institutional racism: occurs within institutions and organizations, such as schools, that adopt and maintain policies, practices, and procedures that often unintentionally produce inequitable outcomes for people of color and advantages for white people.
>
> Structural (or systemic) racism: encompasses the history and current reality of institutional racism across all institutions and society. It refers to the history, culture, ideology, and interactions of institutions and policies that perpetuate a system of inequity that is detrimental to communities of color.

88. Thus, by eliminating "all forms" of racism, the Policy commits the School District not only to root out intentional acts of individual racism, but to address "disparities between racial groups in student academic performance, achievement,

and participation in academic programs"; to eliminate the "predictive value of social or cultural factors, such as race, class, or gender, on student success"; and to "dismantl[e] educational systems that directly or indirectly perpetuate racism and privilege through teaching policy, and practice." Ex. 1 at 1.

89. The Policy also proclaims the existence of "equity gaps" (described earlier in the Policy as "significant disparities between racial groups") which are blamed on "inequitable access to opportunities that have significant intergenerational effects and perpetuate economic, social, and educational inequity." Ex. 1 at 1.

90. While the term *equity* looks and sounds like *equality*, they "actually convey significantly different ideas."[1] Policy resources explain that "equity" calls for *different* not equal treatment:

> Because of the inter-generational impacts of discrimination and continued disparities due to implicit bias, policies must be targeted to address the specific needs of communities of color. *This means that sometimes different groups will be treated differently, but for the aim of eventually creating a level playing field that currently is not the reality*. *See supra* n.1. (emphasis added).

91. Thus, to focus on equity is to direct that *different* races must be treated differently, and unequally, just because of membership in a certain racial category. *Id.* No other aspect of personhood is relevant.

92. To carry out the Policy, the Board also adopted regulations "to dismantle the individual, institutional, and structural racism that exists in" the School District. Among other things, the Policy Regulations require that the School District examine all existing curriculum for racial bias, acknowledge and communicate that bias to students and parents, and "implement an anti-racist curriculum." Ex. 1 at 3, 4.

93. Defendants adopted a "Vetting Tool" to facilitate implementation of this so-called "anti-racist" curriculum. Among other things, the Vetting Tool states that an

---

[1] Government Alliance on Race and Equity, *Advancing Racial Equity and Transforming Government* (Sept. 2015), https://bit.ly/3GUNESK.

"anti-racist" curriculum "explicitly acknowledges and challenges inequities related to race," and "interrogates power structures and inequalities through critical thinking." Exhibit 2 to this Complaint is a true and accurate copy of excerpts from this resource document, Anti-Racist Learning Experience Vetting Tool.

94. Through the Policy and the Policy Regulations, Defendants set for themselves a prodigious goal: the elimination not only of overt acts of racism at the interpersonal level, but also inequities among races linked to purportedly racist institutions, power structures, and hierarchies. For this task, Defendants chose to embrace the ideology referred to as "anti-racism." That choice, however, violates the Virginia Constitution. For, as the School District's pilot curriculum shows, this ideology of "anti-racism" draws from the poisoned well of racism itself.

95. For this reason, while Plaintiff parents and students applaud and agree with Defendants' stated desire to eliminate racism, Plaintiffs oppose the Policy, Regulations, and related practices advanced by Defendants because those materials perpetuate racism rather than combat it.

II. The racist ideology of so-called "Anti-Racism" is itself racist

96. The Merriam-Webster Collegiate Dictionary defines racism as: "1: a belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race; 2: racial prejudice or discrimination." *Racism,* Merriam-Webster Collegiate Dictionary (11th ed. 2009). That definition recognizes that racism is a belief resulting in acts "directed" at others, by anyone at anyone else, regardless of skin color or ethnicity.

97. Consistent with this understanding, the United States Supreme Court has recognized that government actions dividing Americans by race—any race—"reinforce the belief, held by too many for too much of our history, that individuals should be judged by the color of their skin." *Parents Involved in Cmty. Schs.*, 551 U.S. at 746 (quoting *Shaw*, 509 U.S. at 657).

98. But to accomplish their objective of dismantling power structures and hierarchies, Defendants ignore the commonly understood definition of racism and the Supreme Court's cautionary words in favor of an ideologically-driven reimaging of what it means to contest racism.

99. The School District's materials designed to provide training in, and implementation of the Policy, are filled with references to this new understanding:

a. A School District resource entitled "Am I an Anti-Racist?" (attached as Exhibit 3) defines an "anti-racist" as "someone who practices identifying, challenging, and changing the values, structures, and behaviors that perpetuate systemic racism." Ex. 3 at 1. That person must not only overcome their own "bias and prejudice," they must recognize their own privilege and "help to dismantle structures and practices that intentionally and/or unintentionally disadvantage *historically marginalized people*." Ex. 3 at 1 (emphasis added). The document only identifies one type of privilege—"white privilege"—which is "[a]n unacknowledged system of favoritism and advantage granted to white people as the beneficiaries of historical conquest."[2] Ex. 3 at 3. Exhibit 3 to this Complaint is a true and accurate copy of this resource document, "Am I an Anti-Racist?"

b. Another resource document, an article from the Smithsonian website, states that "[b]eing antiracist is different for white people than it is for people of color." National Museum of African American History & Culture, *Being Antiracist*, Smithsonian, https://s.si.edu/3GYalFw (last visited Dec. 20, 2021). As the article explains, "white people . . . must acknowledge and understand their privilege, work to change their internalized racism, and interrupt racism when they see it." *Id.* People of color, on the other hand, must "recogniz[e] how

[2] Incidentally, the document defines "reverse racism" as "[a] disputed concept. Discrimination (a denial of opportunity) by subordinates against dominates."

race and racism have been internalized, and [consider] whether it has been applied to other people of color." *Id.*

c. The Policy's definitions of racism, in turn, were drawn from the Government Alliance on Race and Equity's resource guide. *See supra* n.1. The guide also states that to achieve "racial equity," "sometimes different groups will be treated differently, but for the aim of eventually creating a level playing field that currently is not the reality." *Id.*

100. In short, under "anti-racist" teaching, "racism" no longer is discrimination involving acts by one person against another based on the victim's race. Rather, "racism" is defined first by membership in one racial group ("white"). Failure by members of that group to confess their racial guilt and to pledge absolute allegiance to an ideology that denigrates them based on their race constitutes "racism." That approach, however, gives them no hope of absolution from their presupposed guilt, demands the "dismantling" of institutions through cultural, social, and political revolution, and leads to state-sanctioned social ostracism of children.

III. Albemarle Public Schools train staff on the Policy and begin implementation

101. In November 2020, Defendants launched a mandatory online orientation presentation for all School District staff to introduce the Policy. Exhibit 5 to this Complaint is a true and accurate copy of excerpts from this presentation, ACPS Anti-Racism Policy Orientation.

102. During the orientation, Defendants presented the Policy's various definitions of "racism" and "anti-racism" and also showed a video excerpt from an interview with Ibram X. Kendi discussing his book *How to Be an Anti-Racist*. Ex. 5 at 2 (The Aspen Institute, *Book Talk with Ibram X. Kendi on "How to Be an Antiracist*, YouTube (Oct. 10, 2019), https://bit.ly/3GUO2Rc.)

103. In the excerpt, Kendi defined a "racist policy" as any policy that leads to racial inequity; that is, different outcomes for people of different races. Kendi made this explicit soon after in the video, stating: "All that matters is the outcome." *Id.*

104. During the orientation, Defendants suggested that anyone opposed to their Policy was a "racist" and should consider finding a different job.

105. In a videotaped statement, Dr. Hairston stated: "If I identify forms of racism, and I do absolutely nothing about it, then I become a practitioner of racism. Now consider this controversial statement by some researchers, 'You are either a racist or an anti-racist.' It is time for you to think about how you will own this required anti-racism training and the policy." Ex. 5 at 3 (Alfred Toole, *ARP Dr. Bernard Hairston*, YouTube (Jan. 30, 2021), https://bit.ly/3yOpvKE.)

106. Dr. Hairston also stated in the same video that staff needed to think about whether they were on the "anti-racism school bus or if you need help finding your seat and keeping your seat or if it's time for you to just get off the bus." *Id.*

107. After this orientation, Defendants conducted many trainings and exercises in which Defendants clarified their intent that teachers and staff implement their Policy by fostering racial stereotypes, mandating extreme race consciousness, and treating people differently based on race.

108. According to Defendants, in their 2020 Policy Evaluation Report (attached as Exhibit 6), the "HR Equity Team" at Albemarle Public Schools identified that "White Culture is entrenched within our systems and practices," so the Team "self-assess[ed] and unpack[ed] perceptions of White Culture within the Human Resources Department." Ex. 6 at 12-15. Exhibit 6 to this Complaint is a true and accurate copy of this report, Albemarle County Public Schools, *Anti-Racism Policy Evaluation Report* (November 2020).

109. On March 26, 2021, Defendants held a mandatory Division-wide professional development webinar session entitled, "Becoming an Anti-Racist School System: A

Courageous Conversation," with Glenn Singleton, the author of *Courageous Conversations About Race*. Anti-Racism Policy Evaluation Report 2020-21: Status Update: Training, https://bit.ly/3mlxJEX.

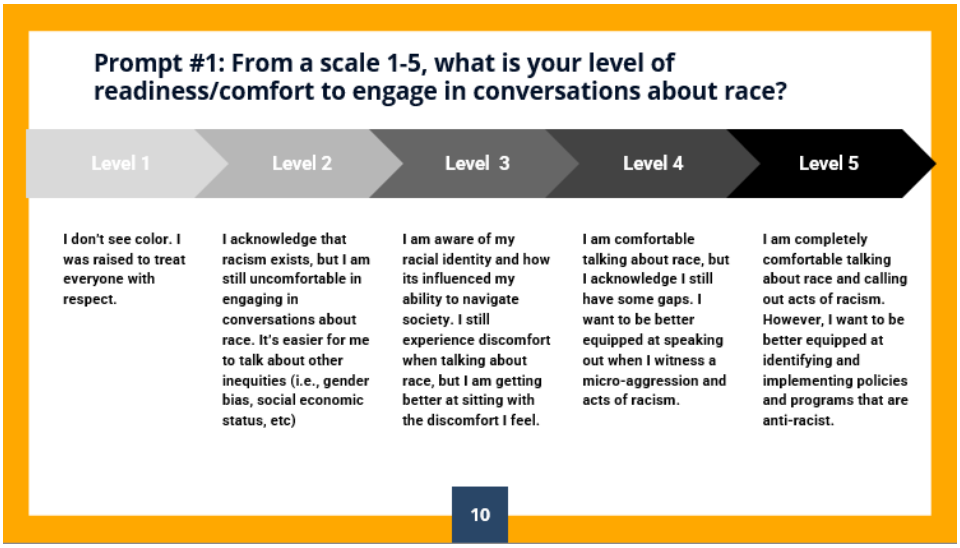
110. The District paid Singleton $15,000 to give a 45-minute speech and take questions. On information and belief, Singleton's talk focused on his book and his theories about education, which promote racial stereotypes and advocate differential treatment based on race.

111. Defendants followed this talk with a monthly book study and training for all staff on Singleton's book *Courageous Conversations About Race*. The training further promoted racial stereotypes and advocated differential treatment based on race as it explored the book's content and the concepts embedded in Defendants' Policy.

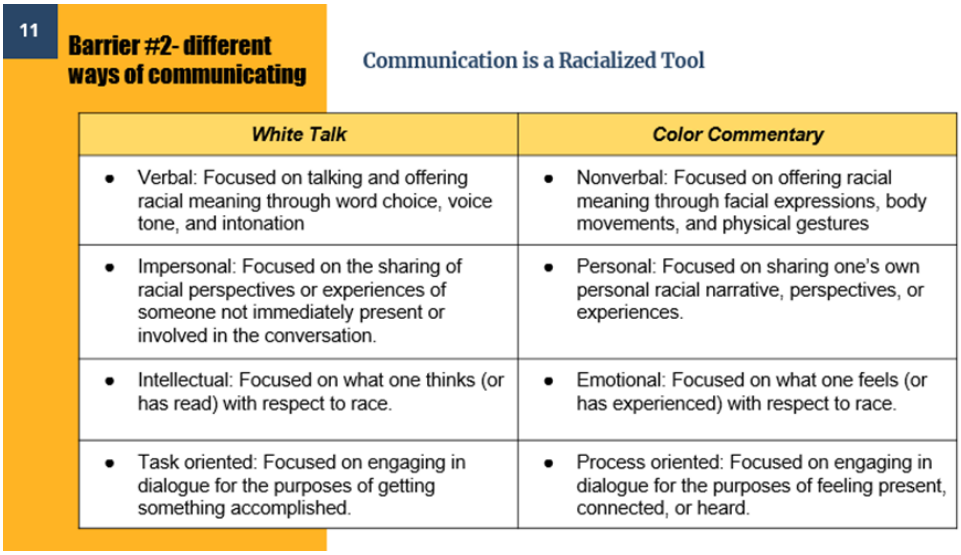
112. Singleton's book urges teachers to focus on race; embrace ideologies and definitions taken from critical theory related to "racism," "anti-racism," "Whiteness," and power; and to move from colorblindness to racial consciousness, where they can engage their students and school community in bringing about racial equity. Glenn Singleton, *Courageous Conversations About Race: A Field Guide for Achieving Equity in Schools* (2nd ed. 2014).

113. This division-wide training started in April 2021. Defendants wrote that they intended this training to "deepen . . . the racial consciousness of our staff."

114. In line with Singleton's book, Defendants urged staff to move from a "colorblind" view of race to a "color conscious" scheme. This was discussed in the teacher training and illustrated by the slide below. Ex. 7 at 4. Exhibit 7 to this complaint is a true and accurate copy of excerpt slides from these trainings.



115. The training advanced racial stereotypes as shown by slides like the one below entitled "Communication is a Racialized Tool." Ex. 7 at 7.



116. The slide perpetuates gross racial stereotypes. Defendants characterize some communication methods—"verbal," "impersonal," "intellectual," "task oriented"—as exclusively "white talk," implying that people of color do not, and cannot be expected to, communicate in these ways, while they characterize other communication methods—"nonverbal," "personal," "emotional," and "process oriented"—as "color commentary," implying that "white people" do not, and cannot be expected to,

communicate in these ways. These stereotypical descriptors of "white talk" and "color commentary" are hostile and demeaning to everyone regardless of skin color or ethnicity. Ex. 7 at 7.

117. Defendants also taught concepts of "racial dominance" and "white privilege" by asserting that "white people" (and even people with lighter-toned skin) are inherently advantaged in life because of their race, whether consciously or subconsciously. Ex. 7 at 12-13. The implication of this is also that people of color are perpetually subordinated and innately disadvantaged in life because of their race.

118. Defendants taught that there is "White culture [which] is characterized by individualism." *See e.g.*, Ex. 7 at 14.

119. Defendants taught that there is a "White way of thinking, which is White Consciousness." *Id.*

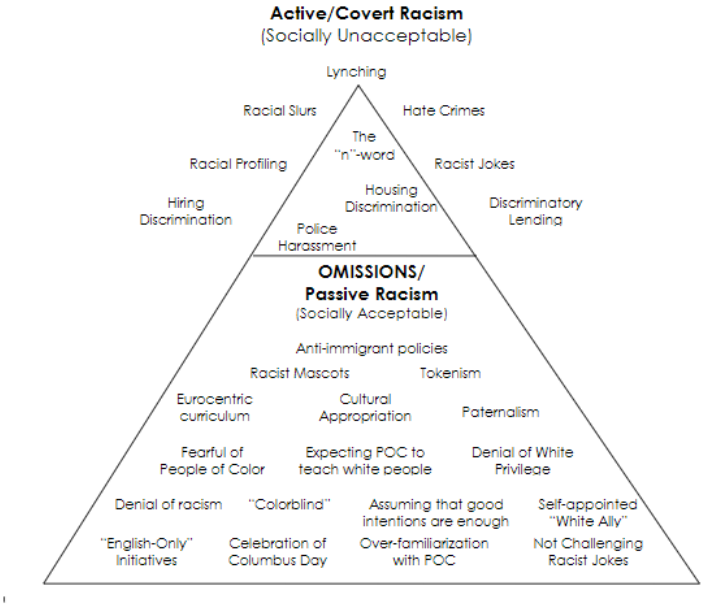
120. Defendants also suggested that all racism is some form of "White Racism," and they taught that opposing affirmative action is a form of "White Racism." *See e.g.*, Ex. 7 at 16.

121. Defendants' training asserted that the solution to combat "White Racism" was to become "anti-racist" pursuant to Defendants' Policy. *See e.g.*, Ex. 7 at 17-18.

122. As noted above, in implementing their policy, Defendants also created a reference document called "Am I An Anti-Racist?" Ex. 3. at 2. The document directs readers to another packet, entitled, "Building a Multi-Ethnic, Inclusive & Antiracist Organization, Tools for Liberation Packet" for "a more comprehensive list" of "anti-racism definitions." Exhibit 4 to this Complaint is a true and accurate copy of excerpts from this resource document, *Building a Multi-Ethnic, Inclusive & Antiracist Organization, Tools for Liberation Packet* (2005).

123. The referenced packet included this graphic, listing acts of "passive racism" such as being "colorblind," "celebration of Columbus Day," and "over familiarization

with POC [people of color]" as direct support for "Hate Crimes" and "Lynching." Ex. 4 at 3.



124. The referenced packet also included "a guideline for 'what not to say' for white people who are sincerely working on their white privilege." Statements "people of color never want to hear again" include such things as "I just see people, not skin color," "I feel unsafe," and "I feel attacked." Ex. 4 at 2.

125. The packet also suggested that "white people" need to earn their "white ally badge," and it stated that this "badge" "expires at the end of the day and must be renewed by a person of color." Ex. 4 at 8.

126. The referenced packet also defined racism and "anti-racism" in ways that echoed the definitions found elsewhere in Defendants' materials. For example, "Anti-racism" was defined as "[t]he act of interrupting racism." Ex. 4 at 4. While on another page "Racism" was defined as "A system of advantage based on race. The subordination of people of color by white people." Ex. 4 at 7.

IV. Defendants implement discriminatory teaching and treatment through a pilot program at Henley Middle School

127. Consistent with the Policy's requirement that teachers indoctrinate students in "anti-racist" principles, Defendants implemented racially discriminatory curriculum at Henley Middle School on a "pilot" basis, in the Spring of 2021. Exhibit 8 is a true and accurate copy of slides excerpted from this pilot instruction.

128. Far from being objective curricula, however, the pilot program focused squarely on race and identity. It sought to indoctrinate students in racial stereotypes and treated students differently based on race. And it sought to indoctrinate students into a particular political viewpoint on race.

129. Plaintiffs V.I. and L.R. were part of the pilot program and received the entire instruction for seventh-grade students.

130. Plaintiff P.M. also was part of the pilot program but only received some of the eighth-grade instruction because his parents withdrew him from the pilot program after it started.

131. According to Henley Middle School's principal Beth Costa, Henley was a good candidate for the pilot program because the school "is not very diverse" so the curriculum would reach many white students.

132. On information and belief, Defendants modeled the pilot program on the same *Courageous Conversations about Race* program they used to train their employees.

A. The pilot program's redefinition of racism is explicitly racist

133. The eighth-grade pilot program redefined "racism" in a way that treated students differently based on race and necessarily set students with different skin colors at odds with each other. It then foisted this overtly race-based definition upon middle school students.

134. The program redefined "racism" as "[t]he marginalization and/or oppression of people of color based on a socially constructed racial hierarchy that privileges white people." Ex. 8 at 16.

135. According to Defendants' definition, racism is not chiefly a malady of the human condition that can reside in any human heart. Rather, it is the exercise of power by *one specific racial group* ("white people") to oppress and marginalize other racial groups using the mechanism of a "socially constructed racial hierarchy."[3]

136. Defendants' definition not only explicitly treats students differently based on race, but it also endorses and perpetuates racial stereotypes.

137. It speaks of "white people" as a monolith who gain or lose power by perpetuating a system based on racial discrimination.

138. But that is not true in any respect. There is no more a monolithic group of "white people" than there is of any other race.

[3] Various CRT thinkers have identified these oppressive institutions as capitalism, our constitutional system of government, freedom of speech and civil rights, Christianity, and even the nuclear family. *See* Christopher F. Rufo, *Critical Race Theory Would Not Solve Racial Inequality: It would Deepen It, Heritage Foundation Backgrounder* (Mar. 23, 2021), https://herit.ag/3pfTlEQ.

B. The pilot program teaches Albemarle Public School students about "white-dominant culture"

139. The eighth-grade pilot program also inculcated racial stereotypes and treated students differently based on race when it instructed students about culture.

140. It claimed that the "dominant culture" is "the group of people in society who hold the most power," are "in charge of institutions, and have established behaviors, values, and traditions that are considered acceptable and the 'norm' in our countries." Ex. 8 at 6.

141. The program claimed that in the United States, the "dominant culture" is that of "white, middle class, Protestants of Northern European descent." Ex. 8 at 1. It also asserted that "the dominant culture is . . . people who are white, middle class, Christian, and cisgender." Ex. 8 at 6.

142. The program analogized the "dominant culture"—*i.e.*, according to Defendants, "people who are white, middle class, Christian, and cisgender"—to a "person [who] chose the game and the rules . . . daily," so that person "won the game each time." Ex. 8 at 6, 2.

143. The program also claimed these individuals have, or are part of, a "subordinate culture": "Black, brown, indigenous people of color of the global majority, queer, transgendered, non-binary folx, cisgender women, youth, Muslim, Jewish, Buddhist, atheist, non-Christian folx, neurodiverse, folx with disabilities, folx living in poverty." Ex. 8 at 8-9.

144. Defendants' portrayal of culture teems with racial stereotypes. It assumes there is such a thing as a "white culture," "black culture," "brown culture," and so on with peculiar "behaviors, values, and tradition." Ex. 8 at 1, 6-9. That portrayal also sets those cultures at odds with each other, assigning one amorphous group (white people) as oppressors and dominators, and another (non-white persons) as oppressed or subordinate. But that practice is just crude racial stereotyping that ascribes beliefs, behaviors, and values to people based largely on race.

145. Furthermore, by asserting that white people are in charge and "have established behaviors, values, and traditions that are considered acceptable" in society, Ex. 8 at 6, Defendants demean and deny the roles, accomplishments, and contributions that all have made—and continue to make—in our diverse society.

C. The pilot program teaches Albemarle Public School students that unless they fight against "white dominant culture," they are racists

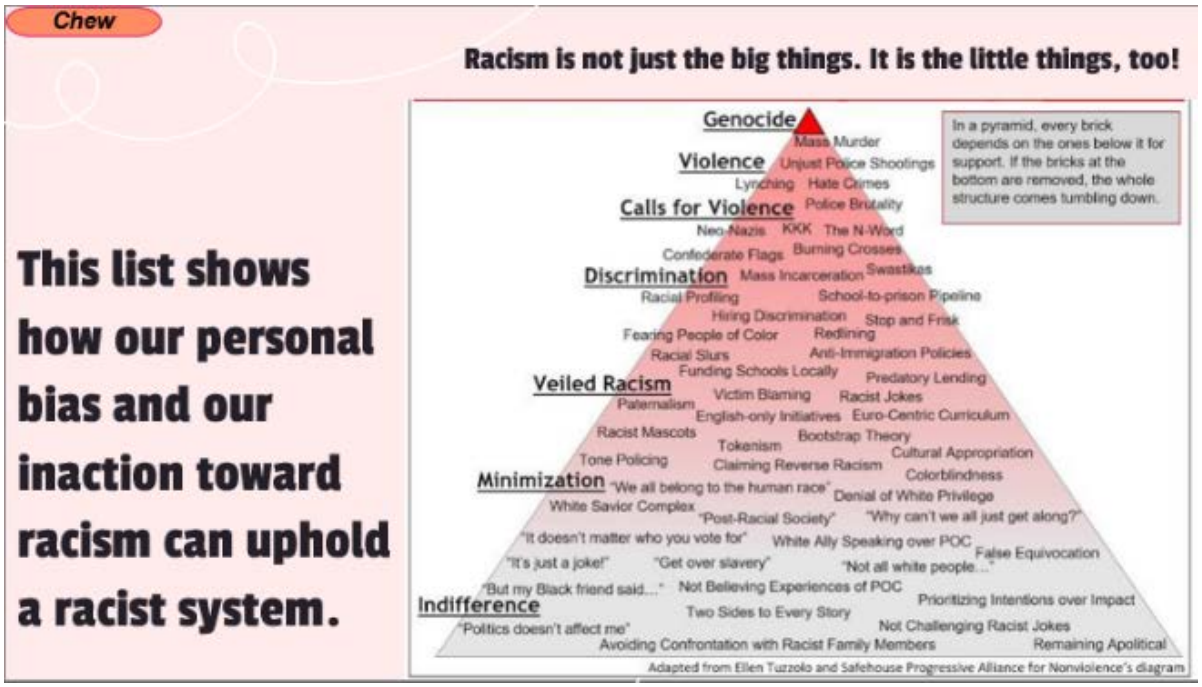
146. Not only does the pilot program define "white culture" as "dominant," it asks all Albemarle Public School students to fight that culture on pain of being labeled "racist."

147. The program tells students that "being anti-racist is fighting against racism." Ex. 8 at 20. Because racism *is* oppression and marginalization of people of color by white people, "anti-racism" necessarily requires combatting that culture.

148. The program's materials make this point explicit when it teaches that a failure to engage in "anti-racist" actions "uphold(s) aspects of white supremacy, white-dominant culture, and unequal institutions and society." Ex. 8 at 22.

149. The program identifies as aspects of racism such things as "colorblindness," claiming we live in a "post racial society," asserting that "[i]t doesn't matter who you vote for," and "claiming reverse discrimination." The program also tells students that "denial of white privilege," "remaining apolitical," believing that "we all belong to the

human race," and taking certain positions on such controversial political issues as school funding, immigration policy, and criminal justice reform constitute racism and must be contested for one to be "anti-racist." Ex. 8 at 18.



150. In short, the program instructs white students that if they fail to adopt and forcefully advance a radical ideological political program, they are racist, *regardless* of whether they individually harbor any racial animus or bias.

D. The pilot program teaches Albemarle Public School students to disown "white privilege"

151. The eighth-grade pilot program also inculcated racial stereotypes and treated students differently based on race when it instructed students about "privilege."

152. The program taught students that "privilege" is, or includes, an advantage that a person is born with.

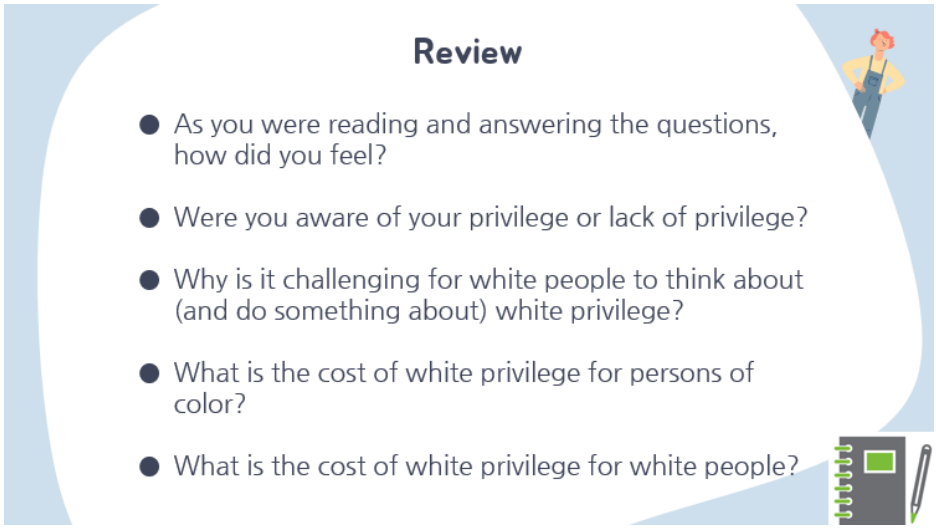
153. The program taught that white students have "white privilege" merely because of their skin color.

154. The program claimed that "white privilege is perhaps the most enduring ['privilege'] throughout history." *See e.g.*, Ex. 8 at 13.

155. The program taught that for white students, "your skin tone isn't one of the things making your life harder." *Id.* The negative implication is that for non-white students, their skin tone does make their life harder, and it is a nearly insurmountable obstacle to achievement.

156. The program asserted that it is "challenging for white people to think about (and do something about) white privilege." Ex. 8 at 12.

157. The program also encouraged students to consider their own "privilege or lack of privilege" as they read and answer questions related to the classroom instruction. Ex. 8 at 12.



158. These teachings on "white privilege" turn on crude racial stereotypes. Any student may, or may not, face racial hostility regardless of his or her "skin tone." But Defendants repeatedly and monolithically characterize the experiences, values, and difficulties a student will face as flowing primarily from their race.

159. Relatedly, the program also suggested that being Christian or male, among other things, would not make a student's life harder, but being non-Christian or female would. These generalizations, too, depend on crude stereotypes.

E. Several Plaintiffs were exposed to the pilot program

160. Although Henley's administration told parents that Defendants would implement a pilot program under the Policy during the Spring 2021 semester, Defendants did not disclose the curriculum's content in advance.

161. When Plaintiffs M[redacted] and M[redacted] M[redacted] saw some of the curriculum's content after the program started, they pulled P.M. from the rest of the pilot program. They did not want their son to be taught to focus on his race or the race of his classmates, and they did not want him to be instructed that the dominant culture is White and Christian and therefore responsible for racism.

162. Plaintiff M[redacted] R[redacted] was also concerned when she learned about the curriculum's content. She spoke with her son's teacher.

163. R[redacted] explained that her son, L.R., is biracial and that she was concerned that in a classroom with mostly white students, the curriculum instructs L.R. and his classmates to focus on his skin color, which L.R. did not want. She was also concerned that teachers and students would start treating L.R. differently because of his race, especially as they tried to make sense of the "privilege"/"oppressor" lenses.

164. L.R.'s teacher told R[redacted] that the school planned to create a "safe space" for students of color separate from white students in the advisory classes where the pilot program would be taught. R[redacted] observed that this proposed action sounded like segregation.

165. R[redacted] then talked with Principal Beth Costa to share her concerns about the curriculum and the suggestion that the school may segregate her son. Principal Costa brushed her off, acknowledging that there would be glitches as the School District implements the Policy and tests the pilot program, but that there was nothing she could do about it.

V. Defendants are beginning to implement racist curriculum, much like that used at Henley, across all Albemarle Public Schools, directly impacting Plaintiffs

A. Implementation in English Language Arts

166. On information and belief, Defendants have started to implement, and are continuing to implement, "an anti-racism curriculum" in its English Language Arts (ELA) classes.

167. Defendants drafted "the ELA Equity Toolkit" for teachers to use as they "adopt teaching approaches in alignment with" Defendants' Policy. Exhibit 9 to this Complaint is a true and accurate copy of excerpts from this resource document, Equity Toolkit for ELA Educators.

168. Defendants' "common text" for the draft Toolkit is the book "*Letting Go of Literary Whiteness: Antiracist Literature Instruction for White Students*," by Carlin Borsheim-Black and Sophia Sarigianides—two prominent critical race theorists. *See* Ex. 9 at 4.

169. The book urges teachers to engage in "antiracist literature instruction," a framework the authors designed, using critical race theory, and characterize as "merg[ing] antiracist goals together with familiar tools for literature instruction," all with the goal of "interrupting racism through literature instruction with White students." Carlin Borsheim-Black and Sophia Sarigianides, *Letting Go of Literary Whiteness: Antiracist Literature Instruction for White Students* 10, 12 (2019).

170. The authors observe that "literature has played a role in constructing race and racism in American society," *id.* at 12, by advancing "dominant racial ideologies, like colorblindness…an insidious form of racism." *Id.* at 7, 8.

171. To remedy this racism, the authors coach teachers to focus on Whiteness, White Privilege, and White-Dominant Culture as they teach White students. They explain that it is "irrefutable fact that history and the present moment demonstrate that White people are not *mature* enough … or do not *care* enough … about Black

people to stop racism." *Id.* at 3 (emphasis in original). And the book criticizes "Whites' refusal to do the work necessary to *begin* to reverse the tide of racism for the sake of all Americans." *Id.* at 3 (emphasis in original).

172. This leaves no middle ground for teachers: "all literature curriculum is racialized" and "teaching about race or racism through literature study is not optional; there is no way to remain neutral." *Id.* at 7. The authors urge teachers to take up the "anti-racist" banner. If they do not, the authors imply, they are guilty of promoting and advancing racism.

173. The ELA Equity Toolkit follows up on its core text by also urging teachers to employ an "anti-racist pedagogy," which "is a paradigm located within Critical Theory." Ex. 9 at 5.

174. The toolkit urges teachers to approach literature and teach using racial stereotypes.

175. For example, it speaks in terms of "dominant racial perspectives," and it implores teachers to "understand the power and privilege inherent in whiteness and to examine how whiteness affects their classrooms, students, teaching strategies, and attitudes toward students of color." Ex. 9 at 4-5.

176. It notes that both teachers and students need to "engage in self-reflection about what it means to be white." Ex. 9 at 5.

177. Teachers are encouraged to "expose whiteness" in literature, discuss "white privilege," and provide "environments where silence about racism is recognized as a form of complicity." Ex. 9 at 5-6.

B. Implementation in Social Studies

178. On information and belief, Defendants have started to implement, and are continuing to implement, "an anti-racism curriculum" in their Social Studies classes.

179. As part of that process, Defendants bought copies of *Stamped: Racism, Anti-Racism, and You*, written by prominent critical theorists Ibram X. Kendi and Jason Reynolds, for every 11th-grade student. *See* Ex. 6 at 24.

180. This book walks through a history of racism and uses a critical theory lens to contend that power and wealth drove white individuals to subjugate black individuals and build a culture that continues today to protect white privilege, power, wealth, and supremacy over black people. Ibram X. Kendi and Jason Reynolds, *Stamped: Racism, Anti-Racism, and You* (2020).

181. The book drives the reader at the end to choose a side among three mutually exclusive groups: "segregationists (a hater), an assimilationist (a coward), or an antiracist (someone who truly loves)." *Id.* at 247.

182. On information and belief, Defendants did not offer the book to students as a theory for students to discuss and debate but endorsed it as an objective description of the world and a guide for how students should respond to it.

C. Widespread implementation in the classroom

183. Defendants made clear in a 2020 report that they plan to implement substantially similar "anti-racist" curriculum in "all grades" and in multiple subject areas, including English, social studies, science, and math. They have already begun to do so.

184. Plaintiffs R.I, V.I., and L.R. are seeing instruction in multiple classes that raise "anti-racist" themes.

185. For example, classroom slides in one School District class highlighted the skin color of famous scientists. Exhibit 10 to this Complaint is a true and accurate copy of this slide.

186. An 11th grade class used a slide focused on the skin color of the main characters in 20 texts considered part of the current literary canon. Exhibit 11 to this Complaint is a true and accurate copy of this slide.

187. Plaintiffs understand that they cannot opt their children out of programming implemented pursuant to the Policy and its regulations without removing them from school because as the Regulations show, the Policy implementation will impact *all* curriculum subject areas.

188. In fact, Henley's Diversity Resource Teacher Chris Booz told parents during an online forum that the curriculum would be "woven through all the classes in Albemarle County." And on information and belief, Henley's principal Beth Costa signed a petition asking the School Board to deny parents the choice to opt their children out of *Courageous Conversations about Race*-based instruction.

189. Without an injunction or a meaningful way to opt their children out of the Policy-based instruction, Parent Plaintiffs cannot protect their children from racial stereotyping and racial discrimination at Albemarle Public Schools.

D. The Policy directly harms Plaintiffs

190. *Brown v. Board of Education* recognized long ago that separating students "solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone." 347 U.S. 483, 494 (1954).

191. *Brown* also recognized that "[s]uch considerations apply with added force to children in grade and high schools." *Id.*

192. *Brown* is right, and Defendants' policies and practices are wrong.

193. Plaintiffs have suffered, and will suffer, the same injury because of Defendants' policies and practices that inculcate hostile racial stereotypes and treat students differently based on race.

194. Defendants have a clear plan to implement programming and differential treatment based on race in all subject matters across all grades. And they have already begun to do so.

195. Defendants have deprived Student Plaintiffs of classes free from racial discrimination and hostility by subjecting them to different treatment based on race and by reducing them and all other students to a set of racial stereotypes.

196. Perpetuating racial stereotypes and engaging in disparate treatment based on race is objectively offensive. *See, e.g., J.A. Croson Co.*, 488 U.S. at 521 (Scalia, J., concurring in the judgment) ("[D]iscrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong, and destructive of democratic society.").

197. The curriculum also deprives Plaintiffs of an education free from racial discrimination because teachers instruct students to embrace an ideology that sets out "White" and "Christian" culture as "dominant" and all other cultures as "subordinate."

198. For example, Plaintiff V.I. was shown a video as part of classroom instruction that told her people of color could not live in big houses. V.I. is Latina and has watched her parents run a successful business after immigrating to the United States from Panama. This instruction at school, and the message it sent about her identity, made her feel confused and upset. And the lesson disturbed her because it instructed her that her achievement in life will turn on her racial background, not her hard work.

199. Plaintiff L.R. is uncomfortable with how the Policy and implementing curriculum draws attention to his race and the race of his classmates.

200. Since the School District adopted and implemented the Policy, Plaintiff P.M. has experienced increased hostility from other students because of his Catholic faith. One student confronted him in class and another student emailed him to attack his religious beliefs after P.M. respectfully stated his beliefs—grounded in his Catholic faith—about identity during a classroom discussion.

201. By this same conduct, Defendants have also created a hostile educational environment for all Student Plaintiffs which would adversely affect a reasonable person's ability to participate in or benefit from the District's programs and activities.

202. This hostile educational environment has adversely impacted Plaintiffs' ability to participate in and benefit from the District's programs and activities.

203. This hostile educational environment is severe, pervasive, and objectively offensive.

204. The racial discrimination and hostile environment negatively impact R.I., V.I., P.M., and L.R.'s ability to participate in and benefit from the District's programs and activities.

205. Because of the racial discrimination in Defendants' pilot program and the hostile environment it created, Plaintiffs M[redacted] and M[redacted] M[redacted] withdrew P.M. from that program.

206. Because of the racial discrimination Defendants are inserting into all programming, and the hostile environment it creates, Plaintiffs M[redacted] and M[redacted] M[redacted] have withdrawn their younger children from Albemarle County Public Schools.

207. Because of the racial discrimination Defendants are inserting into all programming, and the hostile environment it creates, Plaintiffs E[redacted] and D[redacted] T[redacted] have withdrawn their two oldest children from Albemarle County Public Schools and placed them in private school. This has caused the T[redacted]s to incur significant cost. Because of the cost of private school, they have chosen to keep their youngest two children in Albemarle County Public Schools. But they are concerned that if the racial discrimination and hostile environment continues, they will have no choice but to withdraw their youngest two children and incur further private school costs.

208. Because of Defendants' racial discrimination, and the hostile education environment it creates, Plaintiffs K[redacted] and M[redacted] G[redacted] are considering withdrawing their children from Albemarle County Public Schools.

E. Plaintiff Parents seek to protect their children from discrimination and indoctrination

209. Plaintiffs object to Defendants' inculcation of hostile racial stereotypes and disparate treatment based on race, and the hostile environment it creates, through the Policy and implementing regulations, training, and curriculum.

210. Plaintiffs ask this Court to enjoin the further inculcation of hostile racial stereotypes and disparate treatment based on race by enjoining the Policy and regulation's requirement for an "anti-racist" curriculum, and by enjoining implementation of that curriculum in the classroom.

211. Alternatively, Plaintiff parents desire to opt their children out of any programming that involves Defendants' inculcation of hostile racial stereotypes and disparate treatment based on race.

212. On information and belief, Defendants will not allow students to opt out.

213. On information and belief, Plaintiffs understand that under the Policy, racial stereotypes and disparate treatment based on race will impact every class and subject area taught in Albemarle Public Schools making it impossible to effectively opt out of the Policy implementation.

VI. Defendants have threatened to discipline students for voicing dissent or disagreeing with Defendants' discriminatory policies and practices

214. Defendants have implemented a system to squelch student dissent and disagreement. They have done so in two ways. First, they have labeled dissent and disagreement as "racism." Second, having redefined "racism" to include dissent from and disagreement with their radical agenda, they threaten to discipline students for such supposedly racist acts.

A. Defendants have labeled dissent as "Racism"

215. Defendants have labeled dissent and disagreement with their radical ideology as "racism."

216. The pilot program informed students that racism includes "not just the big things," but also the "little things," as shown in the program's pyramid of a "racist system." Ex. 4 at 3, Ex. 8 at 18.

217. The teacher notes for this slide, which is part of the pilot program materials shown to students, identify the listed items as "examples of racism."

218. Defendants' policy and practice constitute unlawful viewpoint discrimination and chills Plaintiffs' free speech.

219. As shown above, Defendants have taken many areas of current public debate—particularly about the ideas undergirding Defendants' discriminatory race-based policies—and declare that supporting the ideas and positions Defendants oppose is "racism."

220. For example, Defendants declare that "colorblindness"—a principle championed by civil-rights giants and Justice Clarence Thomas[4]—is "racism."

221. Defendants declare that "claiming reverse discrimination" is "racism," as is "denying white privilege" and saying, "we all belong to the human race."

222. Defendants declare that challenging their hostile racial stereotypes—by, for example, pointing out that not all white people or not all people of color hold the same beliefs, engage in the same conduct, or have the same experiences—is "racism."

223. Defendants declare that support for immigration control, local school funding, and English language initiatives is "racism."

[4] *See Parents Involved in Cmty. Schs.*, 551 U.S. at 772 (Thomas, J., concurring) ("My view of the Constitution is Justice Harlan's view in *Plessy*: 'Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.'" (quoting *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting))).

224. Defendants declare that efforts at conciliation ("asking why all people cannot get along")[5] and objectivity (recognizing there are "two sides to every story") are also "examples of racism."

225. Defendants also claim that "remaining apolitical" and saying, "it doesn't matter who you vote for," is "racism."

226. Taken together then, according to Defendants, the only way to escape the pejorative "racist" label is to actively support the ideas, causes, and political candidates Defendants favor. This includes opposing what Defendants deem "privileged" and "dominant culture"—"white," "upper-middle class," "Christian," "able-bodied," "heterosexual," "cisgender," and male. Ex. 8 at 8-9, 13.

B. Defendants threaten to silence dissent with punishment

227. Having recharacterized dissent and disagreement as racism, Defendants threaten to discipline students for committing such supposedly "racist" acts.

228. Defendants' regulations provide: "When school administrators determine a student has committed a racist act," those administrators will provide the student an "opportunity" to attend a "restorative justice" session, "mediation," "role play," or undergo discipline under "other explicit policies or training resources." Ex. 1 at 4.

229. On information and belief, the regulations' reference to "other explicit policies" refers to Defendants' Student Conduct policy.

230. Defendants' Student Conduct policy establishes a sliding scale of discipline for infractions, including "mediation," detention, in-school suspension with "restorative practice," and, ultimately, expulsion.

[5]Ironically, Rodney King, a black man who suffered acts of police brutality, uttered nearly these exact words in response to riots that erupted after a jury acquitted his attackers. thedarkroome, *Rodney King Can We All Get Along*, YouTube (June 17, 2012), https://bit.ly/3qhqFKP.

231. Defendants' efforts to squelch student good-faith dissent on contested issues by branding it as "racism" and threatening it with punishment is consistent with their similar efforts to squelch dissent in other areas.

232. Defendants have implemented a policy threatening teachers with discipline if they post "speech antithetical to School Board values" on social media and that dissent is seen by others in the school community.

C. Defendants have chilled Plaintiffs' speech

233. Though their pejorative "racism" labeling and the threat of punishment, Defendants have banned dissent and heterodoxy.

234. Plaintiffs oppose the hostile racial stereotypes and overt racial discrimination that pervade Defendants' policies and practices.

235. Plaintiffs wish to voice their disagreement, but they are fearful that doing so will subject them to punishment.

236. While firmly rejecting racism—rightly understood as bias and discrimination directed against anyone by anyone based on race—Plaintiffs also do not necessarily agree with all the causes, candidates, and ideas Defendants favor. When they disagree, they wish to voice their disagreement, but they are fearful that doing so will subject them to punishment.

237. Plaintiffs wish to act in accordance with a colorblind philosophy, but they are fearful that doing so will subject them to punishment.

VII. Defendants have unlawfully compelled speech

238. Through their Policy and practices, Defendants have sought to compel Plaintiffs to speak racial and political messages with which they disagree and to compel speech based on content and viewpoint.

239. Defendants tell students it "is not enough to simply be NOT racist"; they "MUST be anti-racist." Ex. 8 at 19.

240. According to Defendants, that means "fighting against racism." Ex. 8 at 20, 21-23.

241. But, as discussed above, Defendants have radically redefined "racism" to include, among other things, "colorblindness," disagreeing with the tenets of Defendants' racially discriminatory worldview, and supporting the white, Christian "dominant" culture.

242. Thus, according to Defendants' paradigm, students "MUST" accept Defendants' hostile racial stereotypes and their calls for disparate treatment based on race.

243. According to Defendants' paradigm, students "MUST" fight against the values (*e.g.*, colorblindness) and political causes (*e.g.*, local funding) Defendants disfavor.

244. According to Defendants, silence on so-called "institutional racism," "systemic racism," "white privilege," and other concepts flowing from racist "anti-racist" ideology is complicity. Of course, those terms have been defined to *require* attacks on "white people" and principles, like colorblindness, that many believe are foundational to our Constitutional order.

245. In their programming, Defendants require students to declare and affirm how they will look, think, sound, and act "more anti-racist." Ex. 8 at 27-30.

246. Plaintiffs oppose racism—as that word is ordinarily defined—and thus do not agree with and cannot affirm Defendants' race-based and discriminatory worldview.

247. But in its programming, Defendants seek to compel students to adopt and voice affirmation for their racially discriminatory ideology.

248. In the context of the Policy and student programming, this includes seeking to compel students to oppose what Defendants deem "privileged" or "dominant culture," which includes "white," "Christian," and "male." Ex. 8 at 8-9, 13.

249. Plaintiff Parents desire to opt their children out of any programming that involves Defendants compelling their children to affirm ideas and beliefs with which they disagree.

250. On information and belief, Defendants will not allow students to opt out of that programming.

STATEMENTS OF LAW

251. At all times relevant, each and all the acts and policies alleged in this Complaint were attributed to Defendants who acted under color of a statute, regulation, or custom of the Commonwealth of Virginia.

252. Defendants knew or should have known that they were violating Plaintiffs' constitutional, statutory, and common-law rights, and did violate Plaintiffs' constitutional, statutory, and common-law rights by implementing the Policy in the ways alleged in this Complaint.

253. The policies and practices that led to the violation of Plaintiffs' constitutional and statutory rights remain in effect.

254. On information and belief, Defendants will implement similar policies and practices under the Policy and its regulations division-wide at the beginning of the Spring 2022 semester.

255. Plaintiffs are suffering and will suffer irreparable harm because of Defendants' actions.

256. Plaintiffs have no adequate or speedy remedy at law to correct the deprivation of their rights by Defendants.

257. The policies and practices implemented under the Policy violate Plaintiffs' statutory and constitutional rights, do not serve any legitimate or compelling state interest, and are not narrowly tailored to serve any such interests.

258. Defendants' actions have caused injury and continue to cause injury to Plaintiffs including depriving them of their constitutional, statutory, and common-law rights.

FIRST CAUSE OF ACTION
Violation of Plaintiffs' right to freedom from governmental discrimination (Va. Const. Art. I, § 11)

259. Plaintiffs repeat and reallege each of the allegations in paragraphs 1–258 of this complaint.

260. The Virginia Constitution provides that "the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged." Va. Const. Art. I, § 11.

261. The Virginia Constitution prohibits government actors from discriminating on the basis of race and creating or permitting a racially hostile educational environment.

262. The nondiscrimination clause of the Virginia Constitution "is congruent with the federal equal protection clause," and Virginia courts apply "the standards and nomenclature developed under the equal protection clause of the United States Constitution to claims involving claims of discrimination under Article I, § 11 of the state constitution." *Wilkins v. West*, 571 S.E.2d 100, 111 (Va. 2002).

263. Defendants' inculcation of racial stereotypes, denigrating and hostile characterization of students based on race, and practice of treating students differently based on race expressly "distributes burdens or benefits on the basis of individual racial classifications." *Parents Involved in Cmty. Schs.*, 551 U.S. at 720.

264. Defendants' differential treatment of students based on their race is intentional. Indeed, the materials used by Defendants explicitly promote race-based discrimination.

265. Defendants' differential treatment of students based on their race constitutes unlawful racial discrimination.

266. Defendants have no legitimate or compelling government interest in inculcating racial stereotypes and treating students differently based on race, nor is their practice of doing so narrowly tailored to any such interest.

267. Defendants' differential treatment of students based on race has created a racially hostile educational environment in which the curriculum itself stereotypes and denigrates students based on their race.

268. Plaintiffs cannot avoid the racially hostile environment because it is intentionally woven into many aspects of the curriculum.

269. The racially hostile environment is so severe, pervasive, and objectively offensive that it drastically undermines Plaintiffs' educational experiences and effectively deprives them of the benefits of equal access to their schools' resources and opportunities.

270. The creation of such a racially hostile environment is the responsibility of Defendants because it is directly created by Defendants' curriculum and policies.

271. Defendants' actions have caused and are continuing to cause injury to Plaintiffs, including depriving them of their constitutional and statutory rights.

SECOND CAUSE OF ACTION
Violation of Plaintiffs' right to freedom of speech under the Virginia Constitution: Viewpoint Discrimination
(Va. Const., Art. I, § 12)

272. Plaintiffs repeat and reallege each of the allegations in paragraphs 1–258 of this complaint.

273. The Virginia Constitution provides that "the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects." Va. Const., Art. I, § 12.

274. The Virginia Constitution's free speech protection "is coextensive with the free speech provisions of the federal First Amendment." *Elliott v. Commonwealth*, 593 S.E.2d 263, 269 (2004).

275. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

276. "Discrimination against speech because of its message is presumed to be unconstitutional." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995).

277. Defendants have demanded, through their Policy and as part of their "anti-racist curriculum," that students affirm and communicate messages consistent with Defendants' radical, racially discriminatory ideology.

278. Defendants have labeled silence and remaining apolitical as "racism."

279. Defendants have labeled dissent and expressing viewpoints (such as colorblindness) at odds with their radical, racially discriminatory ideology as "racism."

280. Defendants have labeled those who disagree with their radical, racially discriminatory ideology as racist.

281. Defendants threaten to punish students who express dissent or heterodoxy, including through Defendants' unconstitutional Student Conduct Policy, which threatens punishment to students who express views at odds with Defendants' "anti-racist" ideology.

282. Defendants' imposition of a radical new "anti-racist" orthodoxy that brands dissenters as "racists" and threatens them with punishment for expressing their views violates core free speech principles. "Schools should educate—not indoctrinate. Teachers can teach. And teachers can test. But teachers cannot require students to

endorse a particular political viewpoint." *Oliver v. Arnold*, --F.4th--, 2021 WL 5917124, at *3 (5th Cir. Dec. 15, 2021) (Ho., J, concurring in denial of en banc rehearing).

283. Defendants have engaged in unconstitutional viewpoint discrimination and have chilled Plaintiffs' speech.

284. Defendants have no legitimate or compelling government interest in inculcating racial stereotypes and treating students differently based on race, nor is their practice of doing so narrowly tailored to any such interest.

285. Defendants' actions have caused and are continuing to cause injury to Plaintiffs, including depriving them of their constitutional and statutory rights.

THIRD CAUSE OF ACTION
Violation of Plaintiffs' right to freedom of speech under the Virginia Constitution: Compelled Speech
(Va. Const., Art. I, § 12)

286. Plaintiffs repeat and reallege each of the allegations in paragraphs 1–258 of this complaint.

287. The Virginia Constitution provides that "the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects." Va. Const. Art. I, § 12.

288. In the public-school setting, students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate," but they retain their First Amendment rights "applied in light of the special characteristics of the school environment." *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

289. The right to free speech necessarily includes both the decision of what to say and what not to say. See *Janus v. Am. Fed'n of State, Cnty., and Mun. Emps., Council 31*, 138 S. Ct. 2448, 2463 (2018) ("Compelling individuals to mouth support for views

they find objectionable violates [the First Amendment's] cardinal constitutional command, and in most contexts, any such effort would be universally condemned.").

290. Thus, the state may not compel a speaker—including public school students in the school context—to affirm a belief with which the speaker disagrees. *See Barnette*, 319 U.S. at 631 (condemning compulsory flag salute policy as an unlawful "compulsion of students to declare a belief").

291. Compelled speech is subject to strict scrutiny.

292. Defendants have compelled and seek to compel Plaintiffs, subject to the pains of discipline and lower academic ratings, to affirm and communicate messages that conflict with their deeply held beliefs.

293. Specifically, Defendants have told all Albemarle School students, including Plaintiffs, that failure to embrace "anti-racist" beliefs and take actions consistent with those beliefs constitutes racism. Those actions include, *inter alia*, rejecting "colorblindness"; adopting certain positions on controversial political issues like immigration, criminal justice reform, and school funding; and opposing aspects of "white-dominant culture" such as Protestant Christianity.

294. Defendants have no legitimate or compelling interest in forcing students to embrace beliefs and affirm messages with which they do not agree, and their practice of doing so is not narrowly tailored to any such interest.

295. Defendants have no legitimate pedagogical interest to compel student speech as described above.

296. Defendants have no legitimate pedagogical interest in indoctrinating students through compelled speech.

297. Defendants have no legitimate pedagogical interest in forcing students to adopt their radical ideology by means of compelled speech. *See Oliver*, -- F.4th ---, 2021 WL 5917124, at *3 (Ho, J., concurring) ("[N]o legitimate pedagogical interest is

served by forcing students to agree with a particular political viewpoint, or by punishing those who refuse.").

298. Defendants' actions have caused and are continuing to cause injury to Plaintiffs, including depriving them of their constitutional and statutory rights.

FOURTH CAUSE OF ACTION
Violation of Plaintiffs' right to freedom from discrimination on the basis of religion
(Va. Const., art. I, § 11)

299. Plaintiffs repeat and reallege each of the allegations in paragraphs 1-258 of this complaint.

300. The Virginia Constitution provides that "the right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged." Va. Const. art. I, § 11.

301. The Virginia Constitution prohibits state actors from discriminating on the basis of religion.

302. Defendants' curriculum discriminates on the basis of religion by teaching that Christianity is a "dominant" "identity" that has oppressed "subordinate" "identities" such as Islam, Buddhism, Judaism, other non-Christian religions, and atheism.

303. Defendants' curriculum instructs students to make daily choices to work against "dominant" "identities" such as Christianity.

304. Defendants' curriculum discriminates against Christians by identifying them as "dominant" and an "identity" for others to work against.

305. Defendants' curriculum discriminates against other religions by identifying them as "subordinate."

306. Defendants' curriculum divides students on the basis of their religion.

307. Governmental discrimination based on religion is subject to strict scrutiny.

308. Defendants have no legitimate or compelling interest in discriminating based on religion nor does their curriculum employ means narrowly tailored to any such interest.

309. Defendants' curriculum has caused and is continuing to cause injury to Plaintiffs, including depriving them of their constitutional rights.

FIFTH CAUSE OF ACTION
Violation of Plaintiffs' right to due process under the Virginia Constitution (Va. Const. Art. I, § 11)

310. Plaintiffs repeat and reallege each of the allegations in paragraphs 1–258of this complaint.

311. The Virginia Constitution provides that "no person shall be deprived of his life, liberty, or property without due process of law." Va. Const. Art. I, § 11.

312. The due process protections of the Virginia Constitution are co-extensive with those provided under the United States Constitution. *Slayton v. Commonwealth*, 582 S.E.2d 448, 452 n.2. (Va. Ct. App. 2003).

313. The due process guarantees of the Virginia Constitution prohibit the government from censoring speech or prohibiting behavior using vague standards that grant unbridled discretion to government officials to arbitrarily prohibit some speech and action and that fail to give speakers and actors sufficient notice on whether their desired speech or actions violate the law. *Cf. Cramp v. Bd. of Pub. Instr. of Orange Cnty.,* 368 U.S. 278, 287 (1961) (holding that state action "which either forbids or requires the doing of an act in terms so vague that [people] of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law." (citation omitted)).

314. The Due Process Clause applies in stricter fashion to state action "having a potentially inhibiting effect on speech," lest "the free dissemination of ideas be the loser." *Smith v. California*, 361 U.S. 147, 151 (1959).

315. Defendants have labeled those who disagree with their radical, racially discriminatory ideology as racist.

316. Defendants have labeled dissent and expressing viewpoints (such as colorblindness) at odds with their radical, racially discriminatory ideology as "racism."

317. Defendants have labeled silence and remaining apolitical as "racism."

318. Resources relied on, and incorporated into, Defendants' "Am I An Anti-Racist" document denounce these acts, among others, as "passive racism": "celebration of Columbus Day" and "over familiarization with POC [people of color]."

319. Defendants threaten to punish students for any "racist act," including, presumably, the so-called "offenses" listed above.

320. Given Defendants' radical redefinition of "racism," there is no defined limit to the words and actions for which Defendants can arbitrarily impose punishment.

321. Defendants are, therefore, left with unbridled discretion to impose punishment for any word or deed of which disapprove. *Cf. Papachristou v. City of Jacksonville*, 405 U.S. 156, 170 (1972) (noting that vague standards "permit[] and encourage[] an arbitrary and discriminatory enforcement of the law.").

322. Defendants' Policy and standards are vague and give students insufficient notice on whether their desired words or actions will be considered to violate Defendants' Policy and regulations. How, for example, is a student supposed to know if they are being "overly familiar" with a person of color?

323. Defendants' actions have caused and are continuing to cause injury to Plaintiffs, including depriving them of their constitutional and statutory rights.

SIXTH CAUSE OF ACTION
Violation of Plaintiffs' parental rights under the Virginia Constitution, Virginia Code, and Virginia Common Law
(Va. Const. art. I, § 11; Va. Code § 1-240.1)

324. Plaintiffs repeat and reallege each of the allegations in paragraphs 1-258 of this complaint.

325. Parents have the natural, fundamental, and common-law right to control and decide the upbringing, education, and care of their children as recognized by Virginia Code Section 1-240.1 and Virginia Constitution article I, Section 11.

326. A parent's right to control the education and upbringing of their child is "perhaps the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville*, 530 U.S. 57, 65, 66 (2000) (collecting cases).

327. This fundamental right "without doubt" includes the right of parents to "establish a home and bring up children" and "to control the education of their own." *Meyer v. Nebraska*, 262 U.S. 390, 399, 401 (1923).

328. That right does not end at the schoolhouse gate.

329. Public schools and compulsory education laws aid parents in their fundamental right and duty to educate their children.

330. Despite the government's provision of education, parents retain fundamental control over their children's education.

331. In fact, "[l]aw-givers in all free countries, and, with few exceptions, in despotic governments, have deemed it wise to leave the education and nurture of the children of the State to the direction of the parent or guardian. This is, and has ever been, the spirit of our free institutions." *Rulison v. Post*, 79 Ill. 567, 573 (Ill. 1875).

332. A public school's decision to embrace racial stereotypes and engage in disparate treatment cannot nullify a parent's fundamental right.

333. A parent's fundamental right prohibits schools from indoctrinating their children against the parent's wishes.

334. The government's deprivation of parents' fundamental right must meet strict scrutiny.

335. Children are not mere creatures of the state, *Pierce v. Soc'y of Sisters of Holy Names of Jesus & Mary,* 268 U.S. 510, 534-35 (1925), and the state has no legitimate or compelling interest in requiring children to be indoctrinated with racial stereotypes, taught that individuals bear collective guilt or collective subordinate status based on race, and subjected to disparate treatment contrary to the wishes of their parents.

336. Inculcating racial stereotypes and engaging in disparate treatment based on race is not narrowly tailored or the least restrictive means to any governmental interest.

337. Plaintiff parents have a fundamental right to opt their children out of that indoctrination and disparate treatment.

PRAYER FOR RELIEF

Plaintiffs respectfully request that this Court enter judgment against Defendants and provide Plaintiffs with the following relief:

A. A judgment declaring:

1. that when Defendants, their teachers, and their staff inculcate racial stereotypes and treat students differently based on race, that constitutes unconstitutional racial discrimination;
2. that demeaning, punishing, and threatening to punish students for articulating dissenting or differing viewpoints is unlawful viewpoint discrimination;
3. that requiring students to adopt and affirm Defendants' radical, racially discriminatory views is both unconstitutional viewpoint discrimination and unconstitutional compelled speech;

4. that inculcating religious stereotypes, treating students differently based on religion, and taking action that is hostile to Plaintiffs' religious beliefs constitutes unconstitutional religious discrimination;
5. that punishing and threatening to punish students pursuant to Defendants' vague standard violates the Virginia due process clause; and
6. that parents have a right to opt their children out of instruction and programming that includes the inculcation of racial stereotypes and disparate treatment based on race.

B. A preliminary and permanent injunction
1. enjoining and restraining Defendants and their officers and employees from engaging in the policies, practices, and conduct that violates the declaratory judgments requested in Sections A.1-A.5, above; or in the alternative,
2. permitting parents to opt their children out, without penalty of any kind, from instruction and programming that includes the inculcation of racial stereotypes and disparate treatment based on race.

C. Compensatory damages, including for the costs to Plaintiffs to find and maintain alternative education for their children;

D. Nominal damages for the violation of Plaintiffs' constitutional and statutory rights;

E. Plaintiffs' reasonable attorneys' fees, costs, and other costs and disbursements in this action; and

All other further relief to which Plaintiffs may be entitled.

Respectfully submitted this 22nd day of December, 2021.

s/ Tyson C. Langhofer

TYSON C. LANGHOFER
VA Bar No. 95204
ALLIANCE DEFENDING FREEDOM
44180 Riverside Pkwy
Lansdowne, VA 20176
(571) 707-4655
tlanghofer@ADFlegal.org

RYAN BANGERT*
TX Bar No. 24045446
KATE ANDERSON*
AZ Bar No. 33104
ALLIANCE DEFENDING FREEDOM
15100 N 90th Street
Scottsdale, AZ 85260
(480) 444-0020
rbangert@ADFlegal.org
kanderson@ADFlegal.org

Attorneys for Plaintiff

**Pro Hac Vice* applications forthcoming