

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

VIRGINIA STATE CONFERENCE)
NAACP, *et al.*,)
)
Plaintiffs,)
)
v.) Case No. 5:24-cv-00040
)
COUNTY SCHOOL BOARD OF)
SHENANDOAH COUNTY,)
)
Defendant.)

**DEFENDANT SHENANDOAH COUNTY SCHOOL BOARD’S
PROPOSED FINDINGS OF FACT**

Defendant, Shenandoah County School Board (the “School Board”), by counsel, respectfully proposes the following post-trial findings of fact for the Court’s consideration:

1. In the midst of the COVID-19 pandemic, on May 25, 2020, George Floyd, a 46-year-old Black man, died during the course of his arrest by a 44-year-old White police officer, in Minneapolis, Minnesota. The officer was later convicted of second degree murder and manslaughter.

2. This event—preceded by the 2015 murders of Black churchgoers by a White man in Charleston, South Carolina, the 2017 “Unite the Right” rally in Charlottesville, Virginia, and the rise in popularity of the Black Lives Matter movement—catalyzed country-wide protests and heated political debates surrounding the issues of police brutality, racism, and lack of accountability when it comes to Black Americans in the United States of America. Day 1: 193:2-17.¹

¹ Because the redacted trial transcripts have not yet been filed and assigned ECF Nos., the School Board will instead use the following citation style for references to trial transcript: [Day #]: [page #]:[line #]-[page #]:[line #], unless the entire excerpt appears on one page, in which case: [Day #]: [page #]:[line #]-[line #].

3. Riding this wave of momentum, on June 6, 2020, then Virginia Secretary of Education Atif Qarni urged local school boards to “[c]hange school names and mascots that are offensive *or that memorialize confederate leaders* or sympathizers . . . [which] have a traumatizing impact on the psyche of our children, families, teachers and staff of color.” JSF 11, 12 (emphasis added).²

4. On June 10, 2020, then Superintendent of Shenandoah County Public Schools (“Shenandoah County Public Schools”), Mark A. Johnston, Ph.D., issued a message to the Shenandoah County Public Schools staff, students, parents, and community, referencing George Floyd’s death and sharing the fact that he had “received inquiries about changing the name of Stonewall Jackson High School.” He added, “I recognize that this is not a decision to be made by a Superintendent but by the School Board and the community.” ECF 242-149 at 2.

5. On June 25, 2020, the Shenandoah County School Board (“SCSB” or the “School Board”) in place at the time voted 6-0 in favor of a “[r]esolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.” JSF 13.

6. SCSB procedures for voting on a resolution are the same as the procedures for voting on an action item. JSF 143.

7. If the resolution or action item is a matter of public interest, or one that requires, mandates, or recommends that public input be taken before any action is taken, it is first placed on the agenda as an informational item, then at a subsequent meeting for public comment, and finally at a subsequent meeting as an action item. JSF 120, 130, 144.

² Instead of citing the ECF Nos. for Joint Statements of Stipulated Facts, the School Board will simply reference the Joint Stipulated Facts (“JSF”) as a whole, followed by the specific fact number(s).

8. An informational item is an agenda item upon which no action is taken at the meeting but rather upon which staff can present on a certain topic and the public can provide input. JSF 121.

9. The School Board typically gathers public input through written comments and direct outreach from members of the public, along with public comment at School Board meetings. JSF 136.

10. The members of the School Board in June 2020 were Karen Whetzel, Cynthia “Cyndy” Walsh, Shelby Kline, Andrew Keller, Michelle Manning, and Martin “Marty” Helsley.

11. In the June 25, 2020 Resolution, the School Board noted its outrage at “*recent events* that demonstrate the prejudice and injustice in our country”; it vowed to “urgently [] act to stop the racial injustice that harms and anguishes *Black people*”; it acknowledged its responsibility “for creating and nurturing an *anti-racist* learning environment”; and it committed to “continue *fighting* for racial justice and human and civil rights for all.” ECF 242-42.

12. Immediately, a petition was circulated by a group of concerned citizens of Shenandoah County who opposed changing the names of Stonewall Jackson High School and Ashby Lee Elementary School. The petition received upwards of 3,500 signatures residents of Shenandoah County ultimately signed this petition. JSF 106.

13. The following day, Friday, July 3, 2020, Board member, Andrew Keller, emailed Superintendent Mark Johnston: “Mark, Regarding Action Item 6.5: Are we voting to change the names of Stonewall Jackson High School and Ashby Lee Elementary School?” Def. Ex. 18 at 1.³

³ Though admitted as Def.’s Ex. 18 on December 17, 2025, SCSB 006171 – 006175 does not appear to defense counsel to have been filed with an ECF No., so the School Board will cite thereto as Def. Ex. 18 at [page #].

14. Johnston replied to Keller: “Yes and replacing the mascot at NFMS [North Fork Middle School] which is the rebels. Stonewall will get a new mascot as part of the name[.]” Def. Ex. 18 at 1.

15. Keller replied to Johnston: “Nobody wants to pull this band-aid off any faster than me; but do you think, given the volume of emails we have received, that it *wouldn't be best to delay the action* until August and give the community an opportunity to be heard[?]” Def. Ex. 18 at 1 (emphasis added).

16. Johnston replied to Keller: “You asked so I'll share my thoughts, I don't. If we delay a month, we will *attract outsiders who are not part of our community* which will create an even more fractious environment. The anti name change contingent has distributed petitions to keep the names in numerous south county businesses. They too have weighed in. The Sons of the Confederacy are involved in that effort *so I've been told*. In the end, as with many things in our history, there is the *right thing to do and the thing to do based on majority opinion*. As you know, even with Jim Crow, it was likely a majority that favored that position but we know that was not the right thing to do. I do want you to know that both the agenda item and motion, were approved and edited by the chair and vice chair. I know the sensitivity around this and I believe the sooner it is known the better. Would you change your position in a month? If not, better to move forward now. While I have appreciated reading the views on both sides, in the end, it *feels like the right thing to do* and I can[']t imagine changing my view of that.” Def. Ex. 18 at 1 (emphasis added).

17. Johnston added: “I should have added that in my tenure in Arlington, we dealt with some very challenging topics. The longer we put them off, the more outsiders tried to hold [s]way, creating an ugly, confrontational environment for all. If we could keep it to locals, I'd feel

differently. In this time, politically charged as it is, there are those *just looking for a fight.*” Def. Ex. 18 at 2 (emphasis added).

18. Keller replied to Johnston: “I do think Marty will make a motion to table the action until August and in the end, I’m not sure how he will vote.” Def. Ex. 18 at 2.

19. Johnston replied to Keller: “I expect him to vote no. My recommendation to Karen and Cyndy was if they thought they would get a no vote not to vote. I hope Marty realizes that stretching it out will not be in anyone’s best interest and will invite outsiders, which I think he would not like either.” Def. Ex. 18 at 2.

20. On July 4, 2020 (Independence Day holiday), the SCSB in place at the time published an agenda for the July 9, 2020 School Board meeting that included the action item, “6.5 Next Steps for Resolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.” JSF 14.

21. The July 9, 2020 School Board meeting was held virtually due to COVID-19 restrictions and was scheduled for 4:00 p.m., hours earlier than the usual time for School Board meetings. Def. Ex. 6 at 1.

22. At the beginning of the meeting, the agenda was amended by School Board member, Martin Helsley, to add a recommended action for the aforementioned action item 6.5.

23. The meeting had a virtual citizen comment period that immediately preceded the vote to retire the names of Stonewall Jackson High School and Ashby Lee Elementary School. JSF 168.

24. The public comments portion of the meeting lasted approximately 80 minutes and drew approximately 25 speakers. JSF 18.

25. Members of the public who were unable to access the virtual meeting could not provide comments. JSF 173.

26. Pursuant to Action Item 6.5, Martin Helsley made the following motion: “I move that the School Board postpone taking action on the discussion item involving the next steps for the Board’s resolution condemning racism and affirming the division’s commitment to an inclusive school environment for all as it relates to school names until the Board’s next regularly scheduled meeting.” This motion was seconded by Andrew Keller; however, it failed with a 5-1 vote. Marty Helsley was the sole “yes” vote. JSF 166; ECF 242-151.

27. Immediately thereafter, Shelby Kline moved pursuant to Action Item 6.6 that “the names of Stonewall Jackson High School and Ashby Lee Elementary School be retired as well as the Rebel mascot at North Fork Middle School[and that t]he Board direct[] the superintendent to develop a process and timeline in accordance with Board Policy FFA for selection of new names and a new mascot to bring back to the Board at their August 13 meeting.” This motion was seconded by Michelle Manning and passed with a 5-1 vote. Marty Helsley was the sole “no” vote. JSF 17, 19, 167; ECF 242-151.

28. Shenandoah County Public Schools School Board Policy FFA: School Names states: “It is the responsibility of the Shenandoah County School Board to determine the name of schools, school facilities, and areas of school facilities or grounds in the division. The Board *will solicit and accept input from the public regarding the names of schools or school facilities* but reserves the right to make the final decision regarding the name of any school or school facility. . . . In fulfilling this responsibility, the Board *shall make every effort to respect the preference of the local school community*; however, final decisions on the naming of school facilities and the dedicating of areas of school facilities or grounds shall rest entirely with the Board. . . . The Board

may rename a school or school facility upon a determination that it is appropriate to do so. When a facility is reutilized for a new purpose or function, the School Board may rename that facility. The procedure for renaming a school or school facility will be the same as the procedure outlined above.” JSF 81, 168.

29. This policy was in effect during the July 9, 2020 School Board’s vote to retire the names of Stonewall Jackson High School and Ashby Lee Elementary School. JSF 131.

30. Policy FFA was not referenced on the July 9, 2020 agenda item regarding the School Board’s retirement of the school names Stonewall Jackson High School and Ashby Lee Elementary School. JSF 132.

31. When the School Board proceeded to vote on September 10, 2020 regarding the name change process, the funds were not available in the current school budget or in the following year’s budget. Donations were not nearly enough to cover the costs the 2020 School Board incurred for the name change. ECF 242-32 at 13.

32. On January 14, 2021, the School Board passed a resolution that established the new names of Mountain View High School (“MVHS”) and Honey Run Elementary School (“HRES”). JSF 150.

33. These names were used beginning on June 1, 2021 and continuing up through and including the 2023-24 school year. JSF 25, 26.

34. The facilities manager at Stonewall Jackson High School retained signage and other items bearing the names Stonewall Jackson High School and Ashby Lee Elementary School. JSF 177.

35. Following the July 9, 2020 vote to “retire” the names of Stonewall Jackson High School and Ashby Lee Elementary School, all six members of the School Board were eventually

replaced by candidates who committed either to support the school names' restoration or to have the names reconsidered, and the average percentage of votes in favor of those candidates (who ran opposed) was 67%. JSF 68.

36. On November 3, 2021, Brandi Rutz, Dennis Barlow, and Kyle Gutshall were elected to serve on the School Board. JSF 65; ECF 242-161.

37. During their campaigns, they had each indicated at least a willingness to reconsider the name change issue if elected.

38. For example, Dennis Barlow stated that the "school name-change issue caught [his] attention" and that he became concerned that "an era of political indoctrination was in full swing and [he] want[ed] to return [Shenandoah County] schools to quality objective teaching." Compl., ECF 1, ¶ 101.

39. Brandi Rutz stated, "I am absolutely against 'retiring' the name of Stonewall Jackson" and, if elected, would "openly support a move to change the names back." Compl., ECF 1, ¶ 102.

40. Rutz also endorsed Barlow and fellow conservative candidate, Kyle Gutshall, for School Board in their respective districts. Compl., ECF 1, ¶ 104.

41. Months later, the School Board noticed reconsideration of the original school names as an informational item on the May 12, 2022 School Board agenda. JSF 178.

42. The School Board received public comments on and discussed that item, including discussing whether to conduct a survey to collect community views on a reversion to the original names. JSF 178.

43. No action was taken during that meeting. JSF 178.

44. The School Board held a Special Called Meeting on June 1, 2022 to determine whether to conduct a survey on the school name changes. JSF 182.

45. Special Called Meetings are School Board meetings that fall outside the schedule set out at the beginning of the year for consideration of an emergency topic, a special topic, or further discussion or action on an item from a previous meeting. JSF 180.

46. Special Called Meetings are open to the public and contain opportunities for public comment unless solely for the purpose of a closed session. JSF 180.

47. Superintendent Melody Sheppard had worked on a proposal regarding the survey prior to the Special Called Meeting on June 1, 2022. JSF 182.

48. Ultimately, The School Board did not conduct the survey in 2022 because three out of six board members indicated at the June 1, 2022 Special Called Meeting that they no longer wished to proceed with a survey regarding the school name change. JSF 155, 183.

49. Despite the cancellation of the survey, members of the School Board indicated a motion would be made at the June 9, 2022 School Board meeting on restoring the school names. JSF 184.

50. The School Board did in fact vote on a motion to restore the names Stonewall Jackson High School and Ashby Lee Elementary School at the June 9, 2022 School Board meeting, which vote resulted in a 3-3 tie. JSF 27, 28, 185.

51. An action item requires a simple majority vote to pass. If there is a tie, the item fails. JSF 140.

52. Barlow, Rutz, and Gutshall all voted in favor of restoring the original school names. ECF 242-30.

53. On November 7, 2023, Gloria Carlineo, Tom Streett, and Michael Rickard were elected to serve on the School Board. JSF 67.

54. All three of these new members had campaigned, at least in part, on a commitment to reconsider the school name change. JSF 68.

55. For example, during her 2023 campaign to join the School Board, Carlineo had filled out a candidate questionnaire indicating that she would seriously consider any requests submitted to the School Board with respect to the names of Stonewall Jackson High School and Ashby Lee Elementary School. JSF 66.

56. During his campaign, Streett referred to Mountain View High School exclusively as Stonewall Jackson High School. Compl., ECF 1, ¶ 110.

57. On April 3, 2024, members of the now fully-replaced School Board received a request from the Coalition for Better Schools (“CBS”) to consider restoring the original names of Stonewall Jackson High School and Ashby Lee Elementary School. JSF 86; ECF 242-152.

58. The April 3, 2024 request from CBS stated: “We, the members of the Southern Campus community, respectfully request that you consider restoring the original names of Stonewall Jackson High School and Ashby Lee Elementary School. These schools hold historical significance and have been integral parts of our community for many years. As you already know, we have conducted a survey of the citizens in Districts 1, 2, and the Edinburg area of District 3 on their choice of school names. Our survey results indicate overwhelming support for this restoration: Stonewall Jackson High School: 91.3% of respondents expressed a desire to revert to the original name. Alumni, parents, and community members have voiced their opposition to the recent name change. The legacy of Stonewall Jackson, while complex, remains an important part of our local history. Ashby Lee Elementary School: 91.3% of respondents favor returning to the

original name. Ashby Lee Elementary has a rich tradition in education of the local elementary school students for decades. The community values the historical connections to both Turner Ashby and Robert E. Lee as prominent Virginians and local heroes. We understand that the decision to rename these schools was made in response to discussions surrounding Confederate symbols. However, we believe that revisiting this decision is essential to honor our community's heritage and respect the wishes of the majority. We kindly request that the School Board move forward with the Restoration of the school names immediately placing this matter on the school board agenda and beginning the dialogue with community members, including alumni, parents, and students, to consider the following: 1. Community Input: The overwhelming majority of the stakeholders in the Southern Campus Districts desire the names to be restored. 2. Historical Context: Acknowledge the historical context of the original names and their cultural significance. 3. Representative Democracy: As elected officials, please consider the majority sentiment while making decisions on behalf of the community, as opposed to the top-down process used by the previous School Board. We appreciate your dedication to our schools and the well-being of our students. Restoring these names would demonstrate a commitment to inclusivity, respect for history, and responsiveness to community feedback. Thank you for your attention to this matter. We look forward to a thoughtful discussion and a decision that reflects the best interests of our students and the community.” JSF 87.

59. The School Board understood from the request letter that CBS had conducted a survey of the districts affected by the school name change, which are Districts 1, and 2, and a small portion of District 3. JSF 188.

60. The School Board had not asked CBS to conduct the survey referenced in the request letter. JSF 189.

61. There was consensus from School Board members to add this item to the April 11, 2024 agenda as an informational item. JSF 86, 187.

62. The results of the survey conducted by CBS state that 8507 survey cards were mailed and 1160 (13.6 %) were returned. JSF 89, 190.

63. The results also state that 2312 (91.3%) votes were received in favor of the name Stonewall Jackson High School and 220 (8.7%) votes were received in favor of MVHS. JSF 90.

64. The results also state that 2261 (91.3%) votes were received in favor of the name Ashby Lee Elementary School and 215 (8.7%) votes were received in favor of HRES. JSF 91.

65. On April 8, 2024, members of the School Board received a letter from Sarah Kohrs claiming to represent a group of concerned citizens called “Claim the Names for Shenandoah County Public Schools” requesting that the School Board “Leave the Current, Non-divisive Names Alone.” ECF 242-141.

66. The letter from Claim the Names was not included on the School Board meeting agenda. JSF 194.

67. Policy BDDC, Agenda Preparation and Dissemination, outlines the policy the School Board follows when considering and voting on new items. JSF 118.

68. Under Policy BDDC, the Superintendent, School Board Chair, and School Board Vice Chair decide what items will be on the agenda for a particular meeting. In doing so, they consider input from other members of the School Board. JSF 119.

69. School Board members can reach out to the Superintendent, Chair, and Vice Chair via email, phone call, or text message to request that an item be added to the agenda. JSF 119.

70. Members of the community can request that an item be placed on the agenda by reaching out to the School Board. JSF 123.

71. Nothing in the School Board's policy prevents students, parents, or community members from requesting that items be added to the agenda. JSF 129.

72. There is nothing in Policy BDDC or any other School Board policy concerning how Board members are to evaluate or consider requests from the community regarding items to be placed on the agenda. JSF 124.

73. Ultimately, what ends up on the agenda is in the discretion of the School Board Chair, in consultation with the Superintendent. JSF 126.

74. At the May 9, 2024 School Board meeting, the School Board heard over three hours of comments from 78 public speakers regarding the proposal to restore the names Stonewall Jackson High School and Ashby Lee Elementary School. JSF 32.

75. Multiple students of MVHS and/or the Massanutten Regional Governor's School at MVHS spoke in opposition to restoring the names Stonewall Jackson High School and Ashby Lee Elementary School. JSF 34.

76. The majority of the comments by public speakers at the May 9 meeting were opposed to the proposal to restore the names Stonewall Jackson High School and Ashby Lee Elementary School. JSF 33.

77. The School Board is not required to vote in accordance with the majority of public comments. JSF 202.

78. The School Board also received public comment regarding restoration of the school names through written communications from, and in-person interactions with, members of the public prior to the May 9, 2024 vote. JSF 196.

79. When it voted to restore the names, the School Board had received public comment discussing the history of the naming of Stonewall Jackson High School and Ashby Lee Elementary School. JSF 165, 203.

80. The School Board had also gathered information in the form of School Board meeting minutes from 1959 related to the original naming of Stonewall Jackson High School prior to the 2024 vote. JSF 197.

81. The School Board had received information from multiple historians regarding the namesakes of the schools prior to the 2024 vote. JSF 198.

82. The School Board had received public comments and written comments directly from students regarding the difference between the way the names of Stonewall Jackson High School and Ashby Lee Elementary School impact Black students as compared to non-Black students prior to the 2024 vote. JSF 211.

83. The 2024 School Board also had available to them at the time of the May 2024 vote the 2020 and 2022 School Board records related to the school name changes, including the public commentary in 2020 and 2022. JSF 224.

84. Ultimately, in the early morning hours of May 10, 2024, the School Board voted 5-1 to restore the names Stonewall Jackson High School and Ashby Lee Elementary School. JSF 42.

85. The School Board did not specifically reference the June 25, 2020 Resolution Condemning Racism and Affirming the Division's Commitment to an Inclusive School Environment for All when discussing the impact of restoring the school names prior to the 2024 vote. JSF 200.

86. The School Board is bound by prohibitions against discrimination pursuant to Major Policy GBA/JHFA and Policy GB, as well as the Virginia Human Rights Act, and Title VI, Title VII, Title IX, and the Fourteenth Amendment. JSF 204.

87. The School Board followed the required process prior to voting to restore the school names. JSF 195.

88. As of June 5, 2024, the sign at the main entrance to Stonewall Jackson High School included the words “Stonewall Jackson High School.” JSF 43.

89. The names Stonewall Jackson High School and Ashby Lee Elementary School were again being used before the 2024-2025 school year began. JSF 44.

90. Any costs required to restore the names Stonewall Jackson High School and Ashby Lee Elementary School were borne by CBS. JSF 219.

91. The School Board’s acceptance of CBS paying for the restoration of the school names complied with the School Board policy on accepting gifts: Policy KH. JSF 220.

92. There is no School Board policy that requires the board to report gifts received. JSF 221.

93. Stonewall Jackson High School (“Stonewall Jackson High School”) was built between 1957 and 1959. JSF 3.

94. D. Coiner Rosen proposed the high school be named Stonewall Jackson High School in honor of General Jackson. It would commemorate his service and serve as an inspiration to those who attend. ECF 242-12.

95. In 1959, there were six districts within Shenandoah County. One district was named Jackson District; another was named Ashby District; another was named Lee District. JSF 159.

96. Stonewall Jackson High School was built within Jackson District. JSF 160.

97. On January 12, 1959, the Chairman of the School Board made a motion to name the southern campus high school Stonewall Jackson High School, which motion was seconded and unanimously passed. JSF 161.

98. Stonewall Jackson was a Confederate General. JSF 1.

99. The School Board is not aware of any connection in the School Board minutes between Massive Resistance and the naming of Stonewall Jackson High School and Ashby Lee Elementary School. JSF 163.

100. “Massive Resistance” refers to a period following the Supreme Court’s *Brown v. Board of Education* decision in 1954 in which a Democrat Senator of Virginia, Harry Flood Byrd, coined the phrase and conceived of a set of policies and legislation that would be utilized to prevent school desegregation in Virginia. It began in Virginia in the late summer of 1956 when the General Assembly enacted about two dozen laws to prevent school desegregation in Virginia, including the Pupil Placement Act. Day 1: 271:12-273:6.

101. The Pupil Placement Act created the Pupil Placement Board, which was a three-person state agency appointed by the governor that was charged with assigning all public school students in the state of Virginia to schools. Day 1: 273:1-6.

102. The Pupil Placement Board used data from localities and public records such as birth certificates to assign pupils to segregated schools, in order to preserve racial segregation statewide. Day 1: 273: 7-19.

103. The Pupil Placement Act and Board were immediately challenged in federal court by the NAACP, and over time, the authority and decision-making processes of the Pupil Placement Board were severely limited by the federal courts, so much so that school desegregation began in

Virginia on February 2, 1959 despite the Pupil Placement Board's efforts to maintain segregation.

Day 2: 19:22-20:6.

104. After initial school desegregation in Virginia begins in February 1959, the General Assembly reconvened and altered its Pupil Placement Board policies to allow localities to opt out of the Pupil Placement Board's assignment processes and take control over the pupil placement process themselves. Day 2: 20:16-21.

105. Between 1956 and 1960, the Pupil Placement Board had sole jurisdiction to make school assignment decisions for all public school students, both Black and White, in Virginia who sought to transfer schools or apply to attend school for the first time. Day 2: 78:7-17.

106. Shenandoah County did not have the ability to opt out of the Pupil Placement Board until 1960. Day 2: 79:14-16.

107. Historians typically use the phrase integration to talk about a later time period in the school desegregation process when schools reflected "unitary status," meaning that all of the vestiges and remnants of the previously segregated school system were eliminated and removed, and that the formerly "dual school system" had been eliminated. Day 2: 35:15-25.

108. Stonewall Jackson High School opened to students in the fall of 1959. JSF 6.

109. Stonewall Jackson High School was segregated by race when it first opened in 1959. JSF 7, 162.

110. In 1962, the NAACP filed, and later withdrew, a lawsuit challenging segregation in Shenandoah County Public Schools. JSF 8.

111. In 1962, Shenandoah County Public Schools began to desegregate. Day 2: 25:25-26:3.

112. Black students began enrolling at Stonewall Jackson High School for the first time in the fall of 1963. JSF 9.

113. Until the fall of 1963, Black public school students in Shenandoah County Public Schools only attended separate schools for non-White students. JSF 10.

114. By 1964, all Shenandoah County Public Schools were desegregated. Day 2: 82:17-21.

115. All Shenandoah County Public Schools were later integrated. JSF 8.

116. Integration refers to the federal compliance requirement that emerged in the late 1960s that schools no longer reflect their previous dual school status and promote a unitary school system in which all vestiges of the segregated system were eliminated. Day 2: 86:17-23.

117. The Shenandoah County southern campus elementary school was built between 1973 and 1975. JSF 61.

118. Districts served by that elementary school when it opened were called Ashby District and Lee District, which were named after Turner Ashby and Robert E. Lee. Day 2: 85:8-22.

119. On November 11, 1974, School Board member, Reverend Pendleton, moved to name the southern campus elementary school, previously referred to as Stonewall Jackson Primary, Ashby Lee Elementary School. That motion was seconded and unanimously adopted. JSF 164.

120. Turner Ashby was a Confederate Officer. JSF 59.

121. Robert E. Lee was a Confederate General. JSF 60.

122. The official mascot for Stonewall Jackson High School is the "General." JSF 45.

123. The Stonewall Jackson High School logo reads "SJ Generals." JSF 46.

124. In the 2024-25 school year, Stonewall Jackson High School sports teams are sometimes referred to as “Stonewall Jackson,” “Stonewall Jackson High School,” or “Generals” in official written communications and in announcements at sporting events. JSF 48, 50.

125. In the 2024-25 school year, student groups participating in Stonewall Jackson High School extracurricular events are sometimes referred to as “Stonewall Jackson,” “Stonewall Jackson High School,” or “Generals” in official written communications and in official announcements at extracurricular events. JSF 49, 51.

126. In the 2024-25 school year, Stonewall Jackson High School cheerleaders have performed cheers that reference “Stonewall Jackson” at official school sporting events. JSF 52.

127. In the 2024-25 school year, Stonewall Jackson High School cheerleaders have held up signs that say “Stonewall” at official school sporting events. JSF 53.

128. In the 2024-25 school year, Stonewall Jackson High School students who participate in sports and extracurricular activities are identified as “Stonewall Jackson” students, “Stonewall Jackson Generals,” or “Generals.” JSF 54.

129. At times, students and teachers at Stonewall Jackson High School wear, during school hours, apparel including the words, “Stonewall Jackson,” “SJ,” “Stonewall Jackson High School” and/or “Generals.” JSF 75.

130. Students at Stonewall Jackson High School see signs, apparel, and school materials bearing the words “Stonewall Jackson,” “SJ,” “Stonewall Jackson High School” or “Generals” daily. JSF 77.

131. Since June 6, 2024, the main entrance to Ashby Lee Elementary School has included the words, “Ashby Lee Elementary School.” JSF 73.

132. On July 25, 2024, Ashby Lee Elementary School advertised on Facebook a store to purchase apparel bearing the words “Ashby-Lee.” JSF 74.

133. At times, students and teachers at Ashby Lee Elementary School wear, during school hours, apparel including the words, “Ashby-Lee.” JSF 76.

134. Students at Ashby Lee Elementary School see signs, apparel, and school materials bearing words “Ashby-Lee” OR “Ashby Lee Elementary School” daily. JSF 78.

135. Students at Ashby Lee Elementary School are sometimes referred to as “Ashby Lee students,” “Ashby Lee Elementary School students,” or “Ashby Lee Elementary School students” in official written communications. JSF 79.

136. D.D. plays varsity basketball and soccer, and her warm-ups and uniforms “have [] a big G on them”. Day 1: 120:11-16.

137. D.D. is a straight-A student. Day 1: 131:13-17.

138. J.D.’s academic performance continues to be good. Day 1: 133:15-18.

139. D.D. is sixteen years old and a member of the NCAAP. D.D. currently attends Stonewall Jackson High School as a 10th grader. She attended North Fork Middle School. Day 2: 100: 2-10.

140. D.D.’s parents first told her the school board would change the names back to their original names. Day 2: 101: 12-14

141. D.D. wrote an email to the School Board where she expressed her discomfort in wearing jerseys named after someone who fought for slavery. Day 2: 107: 5-12

142. D.D. attended the School Board meeting on May 9, 2024 when the School Board voted to restore the names. Day 2: 109: 2-4.

143. D.D. learned about the history of Confederate Generals from school and her parents talking to her about them. Day 2: 111: 11-14

144. D.D. encounters names and symbols of Stonewall Jackson throughout the day from clothes, classrooms, schoolboards, and posters. Day 2: 112: 17-24

145. D.D.'s grades are good. She gets all As. Day 2: 118: 2-5.

146. D.D. is a star athlete and leader on the varsity women's basketball team. Day 1: 132:25-133:6; Day 2: 120: 17-25.

147. D.D. has a lot of friends and gets along with mostly everyone at school. Day 2: 122: 4-8.

148. None of D.D's teachers have refused to help her. Day 2: 122 18-20.

149. J.D. is eleven years old, attends North Fork Middle School, and is a member of the NAACP. Day 2: 125: 12 – 126: 2.

150. J.D. was taught who Robert E. Lee and Turner Ashy were by her history teacher. Day 2: 127: 2-10

151. At Ashby-Lee Elementary School, J.D. made good grades. Her grades did not change when the name changed from Honey Run to Ashby-Lee Elementary School, but J.D. had to put in more effort due to thinking about the school name. Day 2: 129: 4-14.

152. J.D. does not believe the name change back to Ashby-Lee Elementary School impacted her mental health or caused stress or anxiety. Day 2: 130: 1-8.

153. J.D. does not know any members of the School Board. Day 2: 131: 20-21

154. Briana Brown is a member of the NAACP and attends the University of Virginia as a first-year. Day 2: 133: 2-5.

155. In high school, Briana attended Strasburg High School and Massanutten Regional Governor's School located at Stonewall Jackson High School. Day 2: 133: 20-23.

156. Briana started at Governor's School in 11th grade when the high school was called Mountain View, but it was changed back to Stonewall Jackson during her 12th grade year. Day 2: 135: 8-13.

157. Briana returned to Governor's School after the name change back to Stonewall Jackson due to the risk of not graduating high school. Briana wanted to reach her goals despite the struggles and anxiety. Day 2: 145: 15-23.

158. While there were other Governor's Schools around, Briana could only attend the one at Stonewall Jackson High School due to where she lived. She would have had to move to attend another Governor's School. Day 2: 150 6-10.

159. During her junior year, Briana earned a C in Pre-calculus. Her senior year, she earned a B in calculus. Day 2: 160: 7-21

160. The people in Stonewall Jackson High School did not make Briana uncomfortable or unwelcome. Briana never experienced racial prejudice at the school. Day 2: 161: 6-14.

161. Briana never spoke to the School Board members or Principal Mike Dorman of Stonewall Jackson High School, and she did not know when Stonewall Jackson High School was named during her deposition. Day 2: 169: 3-13.

162. Briana did not know where or when she had learned the notion that Stonewall Jackson High School was named to resist desegregation. Day 2: 170: 2-5.

163. A.D. Carter is 18 years old and a member of the NAACP. Day 3: 24: 6-12.

164. A.D. attended Strasburg High School and the Massanutten Regional Governor's School his junior and senior year. Day 3: 25: 8-10.

165. A.D. was in 7th grade when the school names were removed. Day 3: 27: 1-7.

166. A.D.'s mom and friends informed him that the school names had been removed. His mom brought it up because it applied to him. She taught at a school where the name Stonewall Jackson was changed. Day 3: 27: 8-20.

167. A.D. views Stonewall Jackson as someone who fought valiantly for the cause of the Confederacy, which was to maintain slavery. A.D. believes the Confederacy seceded from the United States in order to preserve slavery in the South. Day 3: 29: 1-8.

168. A.D. attended and spoke at the May 9, 2024 School Board meeting in opposition to the request to restore the Confederate school names. Day 3: 33: 6-17.

169. A.D. saw on the last day of Governor's School the signage being changed from Mountain View High School back to Stonewall Jackson High School. Day 3: 37: 10-23.

170. The NAACP established a branch in Shenandoah County for the purpose of opposing the name restoration. Day 3: 201: 4-10.

171. Members of the Shenandoah County NAACP branch claimed that the name restoration was hurtful because they felt that they were being "othered." They felt that they had achieved victory when the names were removed, and when the names were restored, they were devastated. Day 3: 208: 16-25.

172. The NAACP sent a letter via email to the School Board after the decision to restore the names, encouraging them to focus on their promise to create an inclusive learning environment. Day 3: 216: 3-24.

173. The NAACP sent the letter to the School Board on May 8, 2024, just one day before the May 9 vote to restore the names; they did not explicitly request a response. Day 3: 231: 6-232:2.

174. The NAACP also issued a press release that they “weren’t giving up the fight.” Day 3: 217: 14-19.

175. Prior to the May 9, 2024 vote to restore the school names, no representative from the NAACP attended the School Board meeting or offered public comment at the School Board meeting. Day 3: 234: 15-19.

176. Principal Mike Dorman recalls that there was little conflict among the student body over the 2024 name change. Day 5: 32:10-18.

177. No Black students came to Principal Dorman expressing their feelings regarding the name of Stonewall Jackson High School. Day 5: 33:10-18.

178. Principal Dorman is not aware of a slip in academic performance by any students since the name change. Day 5: 33:19-34:4.

179. Dr. Spinks-Franklin never personally observed any of the “Confederate iconography” referenced in her report and testimony. Day 3: 131:8-10.

180. At the time Dr. Spinks-Franklin formed her opinions and wrote her report, she had only reviewed the deposition transcripts of at least A.C. (the White individual plaintiff), D.D., and possibly B.B. (Briana Brown). Day 3: 131:13-132:1.

181. Nowhere in Dr. Spinks-Franklin’s report or in her testimony does she opine that any specific Black students in Shenandoah County is suffering from inhibited learning, memory, abstract thinking, or self-control. Day 3: 132:17-135:9.

182. Dr. Spinks-Franklin did not review any educational or medical records from any Black student in Shenandoah County in forming her opinions. Day 3: 135:10-16.

183. Dr. Spinks-Franklin does not opine that any specific Black students in Shenandoah County suffers from hypervigilance, impaired social skills, impaired interpersonal relationships, negative attitudes towards authority figures, or suppressed creativity. Day 3: 135:17-137:3.

184. Dr. Spinks-Franklin does not opine that any specific Black students in Shenandoah County suffer from premature shortening of the telomeres of their DNA. Day 3: 137:19-138:5.

185. Dr. Spinks-Franklin did not consider any documents or information related to psychosocial resources available to the Black student plaintiffs, or Black students in Shenandoah County generally, in writing her report and forming her opinions. Day 3: 138:23-139:15.

186. In writing her report and forming her opinions, Dr. Spinks-Franklin did not consider any information related to any other sources of social stress in the Black student plaintiffs' daily lives. Day 3: 139:21-140:4.

187. Dr. Spinks-Franklin did not opine that any specific Black student plaintiff is suffering from academic underachievement, chronic absenteeism, substance abuse disorder, or externalizing behavior. Day 3: 140:12-141:8.

188. In writing her report and forming her opinions, Dr. Spinks-Franklin did not speak to a single Black student in Shenandoah County. Day 3: 141:25-142:3.

189. In her report and testimony, Dr. Spinks-Franklin did not identify any cognitive, affective, or somatic responses to racism specific to any individual plaintiff. Day 3: 151:5-152:4.

190. In writing her report and forming her opinions, Dr. Spinks-Franklin did not have any knowledge or information regarding the race of any of the teachers that teach the Black student plaintiffs or the relationships of any of those plaintiffs with their teachers, except that some of the plaintiffs stated in depositions that no teacher had mistreated them. Day 3: 157:13-23.

191. In writing her report and forming her opinions, Dr. Spinks-Franklin did not administer any questionnaires to, or conduct any history-taking of, the Black student plaintiffs. Day 3: 158:12-159:2.

192. In writing her report and forming her opinions, Dr. Spinks-Franklin did not conduct any research into non-race-based stressors or traumas in the Black student plaintiffs' lives. Day 3: 160:14-18.

193. After the names changed in 2020, Principal Mike Dorman received "numerous" calls from community members who were "upset" about the name change. Day 5: 22:24-23:16.

194. Principal Dorman recalls that the callers did not like that something they had been a part of for many years was suddenly changed without sufficient notice. Day 5: 23:17-21.

195. Approximately 50 students came to Principal Dorman requesting a Stonewall Jackson diploma in addition to the Mountain View diploma they were required to receive at graduation. Day 5: 27:3-17.

196. One of those 50 students was Black and several others were Latino. Day 5: 27:22-28:5.

197. At the April 22, 2024 School Board meeting, School Board member Tom Streett stated: "I do think the survey that was done [by CBS] was done and it did have a foundation to it. What little bit I know, it was done right. . . . A lot of people had the opportunity. I think it's odd that people, the topic of, now all of a sudden, people that didn't return, turn it in, their vote should be, or whatever, should be [] counted. Well, I think that's odd in any public election, I've never heard that before. In any kind of voting system, I've never heard that before[,] but all of a sudden, now it's a topic." JRF 102.

198. At the April 22, 2024 School Board meeting, School Board member Tom Streett added: “The other thing is . . . the racism topic. The whole next day at work, I just couldn’t believe. I attended those schools, and we never. . . . I called some old classmates, and we couldn’t recall any racism that really stood out. I can’t recall any, and I went there five years. So I’m just blown away [at] how, all of a sudden. . . . I’ve been here my whole life, and I’ll be honest with you, I’m kind of embarrassed, but when we went through Ashby Lee Elementary School, we didn’t even know who the school was named after. No one told us. We didn’t [] show up to class in kindergarten, and they said, ‘Oh well...’ No one told us anything. We had no idea. It was just the name of the school. Nobody pointed it out. So I don’t know, I just thought it was interesting that the young lady said that she thought there was racism but she was voted as the Class President. Well how is it racism if your whole class voted you as President? To me that’s you know when I went to school you [] that’s an honor. To vote somebody to be your Class President you think highly of them. So I didn’t really understand that.” JSF 103.

199. At the April 22, 2024 School Board meeting, School Board member Tom continued: “[The 2020 vote to retire the school names] just wasn’t done right. Wasn’t done fair, as far as I’m concerned. It wasn’t done ethically. . . . But I do want to listen to the citizens of District 1 and District 2. It’s their school.” JSF 104.

200. At the May 9, 2024 School Board meeting, School Board member Thomas Streett stated: “Of course, we heard a lot tonight, obviously. But my take primarily is, yes, how it was done in 2020, it was not done right. It was improper. You know, done in a secretive . . . in only nine days. Part of . . . that procedure was the policy that is in place, is it is to include part of the local community, which did not take place. It was definitely – like commented before, I agree, a knee-jerk reaction. I . . . was very disappointed in that leadership. . . . What are we showing our kids?

Well, what it definitely showed was the lack of accountability, the lack of respect, the lack of loyalty, integrity. It showed the lack of – of not wanting the community to be involved in it.” ECF 242-25 162:14-163:8.

201. At the May 9, 2024 School Board meeting, School Board member Thomas Streett added: “The survey that was recently done in District 1 and District 2, once again because of the lack of past leadership, they had the opportunity to do the survey for the local community and they chose not to. So, someone did it, and it was done. I’ve heard a lot about 83% didn’t return it and their voices should be heard. Well, I thought about that and thought, well, I’m going to check in the official way, pretty much know the answer but I’m going to do it officially, to give an answer tonight. So I checked with the registrar’s office, and I asked Mrs. McDonald. Said in a community vote, [] what is the minimum number that has to be required to make it an official vote? She said there is none. There is no minimum number. She said the answer is officially the results are determined by those who participate. If you choose not to participate, then that is your choice. And that’s that. I also would like to say that I appreciate everybody speaking tonight. Everybody has the right to speak, but I’m going to say this and I know some people won’t be happy, but the truth is it comes down—even though everybody has a right to speak and voice your opinion, and even though you’re a taxpayer in the county—in my eyes it comes down to District 1 or District 2 or the boundaries of the Southern Campus. It’s their school.” JSF 109.

202. At the April 22, 2024 School Board meeting, School Board member Michael Rickard stated: “Another thing that you all hit on was the survey from the weekend. I had several voters in my district reach out to me about these text messages they were getting. I just want to point out, if you’re going to do a survey, that you want me to look at, don’t include political affiliation, race, sex, or age. I could care less about any of that. All I want to know is are you a

taxpayer in this county and that's it. If you're a taxpayer in this county, you've got a voice." JSF 108.

203. At the May 9, 2024 School Board meeting, School Board member Michael Rickard stated: "First off, I'd like to applaud all the students that have stayed tonight that have gotten up and spoke. That took a lot of courage. . . . so I gotta applaud you guys, you did a phenomenal job tonight. That being said, . . . I was elected by the people, for the people. It's not about the way I feel, and . . . I could vote the way I feel, but many people wouldn't be happy with me because I'm not representing them. I was put here to represent everybody." ECF 242-25 181:3-182:3.

204. At the May 9, 2024 School Board meeting, School Board member Michael Rickard added: "So I went back and I reviewed our policy, which was in place when this was done four years ago. And if you go to the third paragraph in the policy, it says, In fulfilling this responsibility, the board shall make every effort to respect the preference of the local school community. . . . From what I saw and from what I heard when this all took place, nobody from that local community was heard. And just for the record, everybody that's reached out to me over e-mail, . . . I have every single one of your names right here. . . . There's 260 names here. . . . I can tell you right now that I had 118 of you vote to keep the names the way they are, but I have 144 of you asked to restore the names. . . . Now, I did have one parent from my district reach out to me because their student goes to Massanutten Regional Governor's School, . . . [s]o immediately I thought to myself, . . . they have their own name. . . . When they were at Triplett [Tech], there was no issue. And yet [] Triplett, he was a slave owner as well. And there was no request to change the name of Triplett. So I think all of this was politically driven." ECF 242-25 182:12-184:13.

205. At the May 9, 2024 School Board meeting, School Board member Michael Rickard continued: "No matter which way the vote goes tonight, I ask that all of you respect one another.

Let's find what unites us again and . . . whichever way it goes, if you feel like you've got the names to petition us to change the names one way or another, I implore you to follow the process. I'm sorry that four years ago, the process wasn't followed. It puts us in a bad position. Two years ago, they could have done the survey and everything would have been done. That being said, I just hope all of us can leave here tonight respecting one another and loving one another. We're all Shenandoah County residents" ECF 242-25 186:12-187:3.

206. At the April 22, 2024 School Board meeting, School Board member Brandi Rutz stated: "A year and a half ago, this Board, members of this Board pushed for a survey, and the other members [] basically said we didn't want to be held to what the survey results might be. That's what I was told. [W]e went back and forth between whether the whole county or whatever, and you know we had some political games on the Board that we ended up not doing the survey and the motion [to restore the names Stonewall Jackson High School and Ashby Lee Elementary School to the southern campus high school and elementary school] failed. For me, do[] the ends justify the means? I have a problem with that. I have a problem thinking that, while it's a touchy subject and it's not going to make everybody happy, to do things the way [the 2020 School Board] did, and the way it was done, was wrong. It just was wrong." JSF 92.

207. At the May 9, 2024 School Board meeting, School Board member Brandi Rutz stated: "The name changed in six days, over a holiday weekend, violating Virginia laws. Now you in identity politics can call me racist without ever talking to me, you can disagree with whatever the vote is tonight, but you won't come up here and say 'You weren't transparent' and 'You didn't give me a voice.' I wish we could come up with something that worked for everybody. I do. And I wish the process four years ago wasn't what it was. And to deny it and to say, 'Well, too damn

bad, move on’—is wrong. Your right under that flag means something. It’s the foundation of this . . . country.” ECF 242-25 179:10-22.

208. All three of Rutz’s children graduated from Stonewall Jackson High School. ECF 242-188 21:19-25.

209. Rutz was aware of the “deep history” of the Civil War in Shenandoah County, particularly relating to General Stonewall Jackson. ECF 242-188 32:22-33:12.

210. Rutz believes it was good for the country that slavery ended. ECF 242-188 31:1-13.

211. Rutz believes the Confederacy fought against government overreach and that part of that was the Confederate states’ right to practice slavery. ECF 242-188 33:13-16; 36:14-21.

212. Rutz knows Jackson was from Clarksburg, Virginia (now West Virginia) and that he was a military genius and good commander. ECF 242-188 37:16-38:1

213. Rutz knows Robert E. Lee was a beloved general. ECF 242-188 38:5-8.

214. To Rutz, the name of Stonewall Jackson is tied to her fond memories of watching her children go through high school. ECF 242-188 40:11-22.

215. Rutz is aware that Stonewall Jackson High School used to be segregated. ECF 242-188 43:3-6.

216. Rutz is aware of Massive Resistance in Virginia. ECF 242-188 44:7-45:3.

217. Rutz is aware that Shenandoah County was second to desegregate in Virginia. ECF 242-188 46:3-8.

218. Rutz believes it is a good thing that Shenandoah County schools are now integrated. ECF 242-188 47:4-7.

219. Rutz believes that racism and hate have no place in Shenandoah County schools. ECF 242-188 56:2-4.

220. Rutz disagreed with parts of the 2020 School Board's resolution condemning racism, particularly the fact that it excluded other races than Black people. ECF 242-188 58:22-60:7.

221. Rutz also disagreed with the idea that it is the School Board's job to fight for racial justice and human rights. She believes their job is simply to educate children. ECF 242-188 65:14-25.

222. Prior to becoming a member of the School Board, Rutz believed, and still believes that the 2020 School Board retired the school names due to the national outrage over George Floyd's death. ECF 242-188 68:15-20.

223. Prior to becoming a member of the School Board, Rutz believed there were issues with the process the 2020 School Board used to retire the names, including the fact that it was "rushed" and, in her opinion, violated FOIA open meeting requirements in place at the time. ECF 242-188 69:21-70:25.

224. Rutz believed during her campaign for School Board that Stonewall Jackson High School students and the Shenandoah Community at large were "victims of political correctness." ECF 242-188 105:13-106:10.

225. Rutz believes that the 2020 School Board should have waited until after COVID-19 restrictions were lifted to raise the issue so the public could be involved. ECF 242-188 109:2-25.

226. Rutz does not discount that the names make some people uncomfortable. She also does not discount that other people love the names. ECF 242-188 139:20-140:25.

227. Rutz does not recall hearing from Black students prior to the 2020 name change that the name Stonewall Jackson made them feel uncomfortable. ECF 242-188 152:22-153:3.

228. Rutz does recall hearing from a few Black students after the 2020 name change and before the 2024 name change that the name of Stonewall Jackson High School made them uncomfortable. ECF 242-188 153:4-17.

229. Rutz understands the names make some people uncomfortable, but does not believe the names necessarily have to change because of that. ECF 242-188 154:15-19.

230. During her campaign for School Board, Rutz wrote: “If elected, I will openly support a move to change the names back if funded with private donations and coincide[d] with the wishes of the parents and students.” ECF 242-188 at 174:3-6.

231. Rutz campaigned on changing the names back. ECF 242-188 at 174: 9-18.

232. Rutz requested that the April 3, 2024 request from the Coalition for Better Schools be added to the agenda simply because the Coalition had asked the Board to add it. ECF 242-188 194:9-15.

233. Rutz recalls Black students from Stonewall Jackson High School testifying against the names at the May 9, 2024 meeting in opposition to the name restoration. ECF 242-188 207:4-10.

234. At the April 22, 2024 School Board meeting, School Board Chairman Dennis Barlow stated: “I watched the process unfold in 2020 from afar. I wasn’t part of the system, just retired and trying to enjoy myself. And it was awfully disconcerting to watch what was a case study in tamping down democracy. Because during a nine [] day window, something was brought before this board, put on an agenda over the Fourth of July weekend with three days off, and it was voted on the next week and went into effect in that one-week span, a nine-day span. During

that time, somehow the citizens of this county got together and got 4,000 signatures to try to fight it. And one of the reasons it was passed so quickly, according to the messages we have from the School Board, was that they wanted to get it done quickly before that petition could be dropped. That's pretty sad. That's pretty sad. One of the School Board members was looped out entirely, ignored, because it was feared that he wouldn't vote for the new names, so he was just ignored and not given the information about what was happening. It did happen during the pandemic. The Supreme Court now looks back and says [the School Board] should never have done non-essential business, and this group just, actually, took it as a super advantage to squelch not only petitions and input but people being able to speak their mind. We on the School Board, two years ago, tried to take a look at it and said, do we want to do it again, and one week we had a six to nothing vote among the School Board to have a survey done of the Southern Campus. Everybody on the School Board agreed. Hundred percent. And the Superintendent got together the survey, and was ready to brief it, and when we came in, the chairman of the School Board announced somehow, magically, the Board had changed the decision in the last month and they were not going to do the survey. Quite remarkable." JSF 106.

235. At the April 22, 2024 School Board meeting, School Board Chairman Dennis Barlow added: "The survey that The Coalition for Better Schools has done is kind of a robust—it doesn't meet all the tests of validity—but when you get a 9 to 1 response, yeah the things go out to all individual households, it's reason to have to consider it. I'm shocked that those who oppose to it haven't asked for the School Board to do, or the school system to do, a survey, because I would have thought that's something they would have liked. But they didn't bring that forward, so I think it's quite interesting. Instead they've done a laughable—I don't know who it is, because

it's anonymous—phone [survey]. . . . It's such a bad survey, it's not even worth talking about. It's certainly not valid." JSF 107.

236. At the April 22, 2024 School Board meeting, School Board Chairman Dennis Barlow continued: "If I were looking through the eyes of a black student or parent I'd be unsettled, I'd be unsettled about going back. But I have to be honest with you, if I felt or see in the future any whiff of racism in this, you'd be surprised how fast I'm going to switch my vote the other way. So if we have a group of people out there making a statement for white supremacy they better beware." JSF 72.

237. At the May 9, 2024 School Board meeting, Chairman Dennis Barlow stated: "[T]he way to kill democracy is to say that the ends justify the means, and to say that the things that the school board got away with a few years ago in terms of the money that they promised to take on, in terms of the closed sessions that they had with icing out one of their members, of doing it under COVID, you're telling me that that's right, like, I can't accept that. I can't accept that, there has to [] be redress for that." ECF 242-25 195:13-196:1.

238. Prior to running for School Board in 2021, Barlow felt the process in 2020 for changing the school names was "rushed and done badly." Day 4: 79:23-80:18.

239. Barlow recalls that there was a "massive outcry" from the community over the name change in 2020 because it was rushed and done under COVID restrictions, i.e. remotely/virtually, which limited public input. Day 4: 82:23-83:13.

240. During his campaign in 2021, Barlow did not include the name change issue in his campaign materials and did not want to get into the issue. However, the majority of constituents with whom he talked brought it to his attention because they were unhappy with the way the names were changed. Day 4: 94:22-95:8.

241. Barlow promised to them, that if there was a groundswell of support to do so, he would ask to put it back on the agenda. Day 4: 95:9-17.

242. Between 2020 when the names were changed and 2024, the community continuously raised the name change issue and pressed for restoration of the school names. Day 4: 100:25-101:8.

243. Barlow has always looked at the name change issue as more of a process issue than a political issue. Day 4: 102:19-103:2.

244. Barlow became aware of the Coalition for Better Schools survey results while he was on the School Board. Day 4: 109:5-9.

245. Barlow heard statements from Black students and community members objecting to the school names and claiming they were discriminatory and harmful. Day 4: 197:18-198:14.

246. Barlow believes his infamous “unsettled” comment has been taken out of context and misinterpreted to mean that he agrees that the names are discriminatory. He was merely expressing his empathy for Black students who were likely living through a tense political atmosphere due to the rhetoric on both sides of the issue. Day 4: 121:13-122:7.

247. Barlow is a “believer in total equality” and that races and ethnicities ought to treat each other with equal respect and fairness. Day 4: 194:20-195:16.

248. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall stated: “[T]he real issue with [the July 9, 2020 vote to retire the names of Stonewall Jackson High School and Ashby Lee Elementary School] is the public, like Brandi said, was not involved. And I believe, and I said it two years ago, that [] if a survey was conducted then and the results came back to change the names, the southern campus would have been upset, frustrated, but they would’ve dealt with it and moved on with life. But instead, we know what happened. And [] just

going through these emails [among the 2020 board members and superintendent leading up to the July 9, 2020 School Board meeting], [] it's frustrating, because you know that it could have been prevented. It could have been done correctly, if it was going to be done. There's just so much about sneaking it through and concern with attracting outsiders. I think, you know, the concern in reality was upsetting the citizens of the County, which I think is something you should be worried about instead of putting it on outsiders, because I really don't think outsiders were the issue at that point. It was people in the County that were obviously frustrated with it, but you just go through these emails, it was completely rushed. We all know by now. It's been well documented. That is what happened unfortunately. It caused a lot of divide in our county. Again, if it was done correctly, there would have been frustrations, but we would have moved on, but, you know, this was during obviously when the tragic death of George Floyd occurred. It became a movement around the country to begin doing this. You can go online, I've actually researched, there's a website dedicated to documenting the schools during the period of 2020, during the summer of 2020, that went through the renaming process. Different states, Virginia, Georgia, Florida, Tennessee. It gives you all the data, and all these changes are right during that summer of 2020, during that tragic event with George Floyd. " JSF 93.

249. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall added: "[The 2020 School Board members] were on a timeline. They wanted to get moving. And obviously, it was during COVID, when Ms. Rutz said, [the public] couldn't even really participate. If they just took a step back, and slowed down, and thought about what they were doing, it would've at least involved the community. Now, do I think it would've changed their mind? No, because they [] had their minds made up obviously because they didn't listen to, at the time, what I would [] characterize as probably, county-wide, 60–70% of the county [] would've probably

not been in favor of this. I'm just throwing those numbers out there. That's just an estimation. But here we are, four years later, this is now, we talked about it two years ago, here we are again, it's definitely frustrating, but when you have a broken process like this, and it has to do with something that people grew up, part of their identity, I can understand it. I didn't go to those schools, so I don't have the same connection, but I do understand that when you have something taken away from you, you feel like it's an unethical and unfair process. I can see the frustrations as well." JSF 94.

250. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall continued: "[T]here's no doubt in my mind that even, no matter what anyone says, what any survey says, that if you asked the people, at least in District 1 and 2, a majority—51% or more—is going to say they want the name restored. Now does that mean the rest of the county believes that? Not necessarily. And I know Mr. Rickard made the point about District 1 and 2 making that decision. I don't necessarily, completely agree with that. I believe it's important and they are obviously the main people that are affected by this, but I think it's still important to hear everyone's thoughts, and that's why this was such a disaster in the first place. No one was heard." JSF 95.

251. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall stated: "I know multiple surveys have gone out, the one by the Coalition, which I believe was just D1 and D2, maybe some D3 as well. And then, I became aware over the weekend, not because I received anything, but seemed like everyone else did. I don't think any Board members received anything directly via cell phone. I know they were calling landlines and asking, #1 was [] 'Do you approve of the performance of the School Board?' It's kind of funny. I'd say the elections over the last two to four years and the margins have spoken there, but that's a different conversation." JSF 96.

252. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall stated: “[T]here’s surveys all around, and the thing that gets me about that is, like Ms. Rutz mentioned, we wanted to do a survey two years ago. We thought we were good to go on it. We could’ve had our answers then and been done with it. And we didn’t go down that route unfortunately. Four years ago, man a survey would’ve been helpful. Wouldn’t that have been—to take a step back, and let it go a couple months? Mr. Keller talked about in those [] emails. ‘Wait until August at least. Give it a couple months.’ It didn’t happen unfortunately, and that’s where we are.” JSF 97.

253. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall stated: “There is a lot of hypocrisy in this whole thing because now suddenly everyone wants to do surveys and there’s got to be these certain requirements or they have no validity. [T]o me, now doing all these surveys it’s kind of like: Where were we four years ago? Where were we two years ago? Now, suddenly, we want to ask the public. And then, nitpick, because the requirements aren’t how some people think they should be. I don’t think you should put all your eggs into any survey because [] you just never know. [T]o me, now starting to talk about surveys again, especially because we haven’t put out a survey—none of these surveys have been by the School Board, I want to point out—now to do it is kind of funny. And to put certain requirements on it is even funnier.” JSF 98.

254. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall stated: “[N]ot many people from District 4 went to the Southern Campus, so like me, they don’t have that same attachment, but that doesn’t mean that it’s not important. There’s a real attachment to those schools [Stonewall Jackson High School and Ashby Lee Elementary School]. They’ve [] always believed, and I think rightfully so, that they have been [] treated unfairly, which even []

anybody can kind of point out if you've been around the county for years. You can see that the Southern Campus has always, for whatever reason, kind of [] gotten less treatment or not as good as Strasburg and Central. I can understand the frustrations and I just hope that whatever decision we come to, it's kind of the end. Obviously, the point I would make is, when we're long gone—six, eight, however [many] years from now—and a School Board that is more pro-changing names of things comes along, what's stopping them from changing right back? I don't know. That's something we have to think about. So, again, I don't support changing names of things, and if you're going to, you have to check with the community. And that wasn't done here.” JSF 99.

255. At the April 22, 2024 School Board meeting, School Board member Kyle Gutshall stated: “We received feedback on that one survey from the Coalition. I think it is kind of being made out that we are putting all of our thoughts into one survey, and we're using that to vote on this. I don't agree with that. I think we are all independent thinkers, and we can look at things from our perspective. We've heard nothing from this other survey that went out over the weekend. I don't think they've identified themselves. I don't know who they are, what[']s the affiliation, so we'll see what happens there. But moral of the story, if it was done right, we wouldn't be here talking about it today. It's unfortunate and we're going to have to come to some sort of conclusion to try to put an end to this at some point.” JSF 100.

256. At the May 9, 2024 School Board meeting, School Board member Kyle Gutshall stated: “We talk about the surveys. Well the first survey, or the only one I guess we ever got results from, people are trying to put it on us that we are using that as our only data point. And I'll speak for myself, but I don't think anybody else is solely basing their decision-making on a survey that received 1,300 people responding or, whatever, respondents. I do wish [] because you know there was another survey that was conducted a couple of weeks ago, I wish we would have gotten the

results from that. That was a county-wide survey [] and we talked about the whole no one wants to identify themselves, but that survey was anonymous as well. But I think the more [] data that you have, the better decision you can make for the community. And it's unfortunate, because that was county-wide, and unfortunately, we didn't get those results, for whatever reason. I'm not going to speculate on that." JSF 110.

257. At the May 9, 2024 School Board meeting, School Board member Kyle Gutshall also noted that, contrary to the "survey," residents in his district were "overwhelmingly in support of keeping the names the way they are." JSF 39.

258. At the May 9, 2024 School Board meeting, School Board member Kyle Gutshall added: "[A]s far as my district goes, [] the connection [to the school names] is not the same as it is with the Southern Campus, because I know, even for me, I don't have that same connection. I can't speak to it but I know that I trust people and I understand the perspective that that's their identity, and I completely understand that. I just know that, for me, I've always talked about democracy and listening to the people, and we know in 2020, at least in multiple districts, clearly the popular opinion or majority wasn't heard, and I'm not willing to do that same thing and be a hypocrite like some were in 2020 and ignore the majority. So, it's a difficult decision. . . . I've thought about it for a long time. There's been a lot of input, and I understand both sides to this, but ultimately I believe that the people of District 4 where we're sitting right now, those that felt that they wanted to reach out to me, they expressed their thoughts and feelings and I don't feel like I would be doing my job properly if I sat here and ignored them, even if I didn't necessarily agree with what they were expressing to me." JSF 111.

259. Prior to becoming a School Board member, Gutshall was "not a fan" of the 2020 School Board's retirement of the school names. Day 4: 219:18-220:1.

260. Gutshall felt the 2020 process was “rushed” and that the majority of the community was “ignored.” Day 4: 219:18-220:1.

261. Gutshall is “not a fan” of names of things being changed in general. Day 4: 219:18-220:1.

262. Gutshall recalls hearing the results of the survey conducted by the Coalition for Better Schools, and he believes they were 90+% in favor of restoring the names. Day 4: 224:7-19.

263. Gutshall condemns racism when he sees it and believes Shenandoah County schools should be inclusive environments for people of all races. Day 4: 243:7-15.

264. Gutshall wants all students, including Black students, to feel welcome and to have a great experience in Shenandoah County schools. Day 4: 246:5-24.

265. At the April 22, 2024 School Board meeting, School Board member Gloria Carlineo stated: “And the irony is, if it had been done right, if we had taken all the people’s input, if we had done it that way, and they had changed the names, we wouldn’t be here today. The names would have been changed. That would have been the end of it. However, because it was done in that process, for me personally, I think we need to rectify that mistake. If moving forward, we have a groundswell of people saying those names are too divisive, that we shouldn’t be using those names, then let’s do it properly. Let’s go ahead and ask the people, and if at that point you want to change [the names] again then go for it, but we have to do it in a way that everyone gets heard and that we’re following the procedures that we have set forth in this School Board. So for me, the surveys, you know, they may be nice, and they may advocate for one way or another, but it really doesn’t sway me that much. In the end, it’s just about how it was done. How it was coordinated. How it was done. Sneaky. They were trying to be very sneaky. When you read these emails and hear peoples’ comments of this, you can definitely see that. . . . Let’s fix a mistake. If after that,

the community feels like the names have to be changed, then we do it the right way and not just hidden and not this sneaky way that we did it before.” JSF 105.

266. At the May 9, 2024 School Board meeting, School Board member Gloria Carlineo stated: “[M]y decision to vote for restoring the names of Stonewall Jackson High School and Ashby Lee Elementary simply comes down to the process of how the names were changed in the first place. I know a lot of people have dismissed, but I have studied the timeline of the events as well as the evidence extensively. And to me, there is absolutely no question that it was done intentionally in the space of about seven days during the 4th of July weekend and under the cover of COVID to ignore the feedback from the community. This was not an innocent mistake by some inexperienced school board. No, this was carefully choreographed machinations of a school board colluding to ignore the people they represented. This is what political indoctrination in our schools looks like. If you had any doubts about that, just listen to their own words or emails obtained from a FOIA request. One is from the chairman of the board to the superintendent, Mark Johnston, Karen Whetzel. And one of the things he said is – as Cindy says, ‘Once he knows it is on the agenda, a lot of others will know. Not trying to be secretive, but to condense the time that folks contact us.’ There was another comment from board member Cindy Walsh, which was – the e-mail was named ‘Sorry for the delay.’ I like the wording, and this is a quote: ‘Just got off the phone with board member Shelby and board member Andrew Keller. Both are firmly on the yes category for renaming. Shelby is ready to do it in July. Andrew is hesitant about the timing because he worries that the public will be angry that we rushed it through with giving them a chance to weigh in. I joked that it only took four days for the whole county to know about the reopening plan, and he laughed.’ This isn’t funny. It is unacceptable. It is political indoctrination by a minority imposing their ideology on the majority, and it is our job to fix that.” ECF 242-25 at 166:6-167:22.

267. At the May 9, 2024 School Board meeting, School Board member Gloria Carlineo added: “Now, some people have tried to argue that even if the process was flawed, we should ignore it in favor of the outcome. That is wrong. Not only does the end not justify the means, but the process is an integral part in our nation of laws. . . . Ignoring this would only encourage other boards to act against the wishes of their constituents, with the hope that their mistakes are ignored and never rectified. Instances like this erode the trust in our governmental system and must never be accepted. So for this reason alone, regardless of surveys, I will vote to rectify a situation that clearly violated our citizens’ rights and divided our community as nothing else has. And this decision is very much in tune with the desires of my constituents in district three, who have overwhelmingly voiced their desire to change the name back.” ECF 242-25. at 168:1-169:6.

268. At the May 9, 2024 School Board meeting, School Board member Gloria Carlineo continued: “I also want to address the inflammatory rhetoric and the name calling that we have been hearing from those against restoring the names. Specifically, I want to talk about the ugly accusations of racism and even white supremacy. I’ve heard from hundreds of people, and not once have I witnessed any instances of racism coming from those who want to restore the names.” ECF 242-25. at 169:9-17.

269. Carlineo’s externship during law school was at the Ohio Civil Rights Commission where she was an intake officer for cases of discrimination in employment and housing. Day 5: 90:2-9.

270. Carlineo was named by the Ohio Governor to the board of the Ohio Civil Rights Commission. Day 5: 90:10-14.

271. Carlineo was later appointed by the Governor of Virginia to the Council on Human Rights. Day 5: 90:21-91:1.

272. At the Ohio Civil Rights Commission, Carlineo learned to not just take a claim of discrimination at face value but rather to investigate and determine whether there was harm, and if so, whether that harm had anything to do with race. Day 5: 92:15-94:12.

273. Carlineo was motivated to run for school board in 2023 after her son's experience with a Shenandoah County Public School teacher who Carlineo felt was one-sided in her presentation and that her son was being indoctrinated rather than being presented a balanced view. Day 5: 97:1-98:25.

274. The name change in 2020 was not particularly influential to Carlineo's decision to run for School Board. During that time, she and her son were traveling back and forth between Virginia and Maryland for her son to go to school during the COVID-19 shutdowns, so the name change issue was not really on her radar. Day 5: 99:21-100:7.

275. Carlineo became aware of the 2020 name change at some point that year, and her opinion was critical of the 2020 School Board. Day 5: 101:2-8.

276. Carlineo had conversations with voters during her campaign regarding the name change. While she said that if the issue came before the board, she would consider it, she made no promises. Day 5: 107: 2-14; *see also* JSF 66.

277. Carlineo was elected over a local Democrat with a "Valley name," Joy Bauserman, by a margin of 25% (62 to 37). Day 5: 108:9-109:14.

278. Carlineo recalls receiving the email exchange between 2020 School Board member and then Superintendent Mark Johnston leading up to the 2020 name change as part of packet while she was on the School Board prior to the 2024 vote to restore the names. Day 5: 11:22-113:6; *see also* Def. Ex. 18.

279. Carlineo recalls becoming aware of the 2020 community petition opposing the name change while she was on the School Board prior to the 2024 vote to restore the names. Day 5: 114:20-115:8.

280. Carlineo listened to all public comments at the April 22 and May 9, 2024 School Board meetings and considered them. Day 5: 136:15-137:4.

281. Carlineo also received public comments via many emails, texts, phone calls, and in person. Day 5: 138:3-13.

282. Carlineo recalls that the “overwhelming” majority of all forms of public comments were in favor of restoring the names. Day 5: 138:3-13.

283. Carlineo was aware of the 2020 community petition opposing the name change and two surveys: the survey conducted by the Coalition for Better Schools, and another, county-wide survey conducted telephonically by she did not know whom for which she never got the results. Day 5: 138:16-139:14.

284. Carlineo recalls receiving the results of the survey by the Coalition for Better Schools. Day 5: 139:15-18.

285. Carlineo recalls that the results of the Coalition survey were overwhelmingly in favor of the name restoration. Day 5: 141: 5-10.

286. Carlineo was aware at the time that the Coalition survey had gone to residents of Districts 1, 2, and part of 3. Day 5: 141:11-19.

287. Carlineo does not have strong feelings about the school namesakes at issue, but understands that they are historically significant to the Shenandoah Valley region. Day 5: 141:20-142:18.

288. Carlineo is aware of the historical ties of Stonewall Jackson to the immediate area surrounding the schools at issue. Day 5: 142:19-143:8.

289. Prior to her vote to restore the school names, Carlineo became aware of newspaper articles from the 1950s regarding Coiner Rosen's campaign to have the southern campus high school named after Stonewall Jackson due to his historical significance to the area. Day 5: 143:16-148:5; *see also* ECF 242-12.

290. Carlineo only knows Robert E. Lee as a proud Virginian and great military tactician. She has no real knowledge of Turner Ashby. Day 5: 149:8-150:2.

291. Carlineo knew Shenandoah County was only the second county in Virginia to desegregate. Day 5: 150:3-15.

292. Carlineo is Puerto Rican. Puerto Rico racially diverse, but mainly Spanish and African. Half her family is Black; half is White. Day 5: 153:18-154:7.

293. Carlineo is glad segregation ended. Day 5: 154:21-25.

294. Carlineo was aware of the 2020 School Board's Resolution Condemning Racism prior to her 2024 vote to restore the names. Day 5: 155:1-13.

295. Carlineo condemns racism and believes Shenandoah County Public Schools should be, and are, inclusive of people of all races. Day 5: 155:14-156:11.

296. Carlineo never received reports of racial discrimination at Shenandoah County Public Schools. Day 5: 156:22-24.

297. Carlineo has herself experienced racism, but she refuses to be made a victim and instead attributes racism to ignorance and moves on with life. Day 5: 156:25-158:3.

298. Carlineo received multiple public comments regarding the history of the naming of Stonewall Jackson High School, some for and some against. Day 5: 194:9-17.

299. In the 2024-25 school year, Black students made up just over 2% of the total students enrolled at Stonewall Jackson High School. JSF 55.

300. In the 2024-25 school year, multiracial students who identify “Black” as one of their racial selections made up just over 2% of the total students enrolled at Stonewall Jackson High School. JSF 56.

301. In the 2024-25 school year, Black students made up just over 3% of the total student population at Shenandoah County Public Schools. JSF 57.

302. In the 2024-25 school year, multiracial students who identify “Black” as one of their racial selections made up approximately 3.8% of the total student population at Shenandoah County Public Schools. JSF 58.

303. The Black student population at Stonewall Jackson High School is 3-5% on average. Day 5: 37:18-22.

304. Stonewall Jackson High School received a distinguished rating from the state, which requires that all subgroups containing a sufficient number of students are performing well in order to achieve the rating. Day 5: 34:5-35:19.

305. In the 2024-25 school year, Stonewall Jackson High School was the recipient of the Highest Achievement Exemplar Award from the Virginia Board of Education. JSF 80.

SHENANDOAH COUNTY SCHOOL
BOARD

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CERTIFICATE OF SERVICE

I hereby certify on the 2nd day of March, 2026, I electronically filed the foregoing using the CM/ECF system, which will send notification of such filing to all counsel of record.

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