

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

PATTI H. MENDERS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:21-cv-669-AJT-TCB
)	
LOUDOUN COUNTY SCHOOL BOARD,)	
)	
Defendant.)	

DECLARATION OF DR. ASHLEY F. ELLIS

Pursuant to 28 U.S.C. § 1746, Dr. Ashley F. Ellis declares as follows:

1. I am over 18 years old and have personal knowledge of the facts described herein.
2. I am currently employed by the Loudoun County School Board (“Loudoun County Public Schools” or “LCPS”). My title is Chief Academic Officer, which oversees the Office of Equity.
3. The LCPS Office of Equity operates under my direct supervision.
4. The LCPS Office of Equity conducts *Share, Speak Up, Speak Out* meetings with Student Equity Ambassadors chosen from LCPS middle and high schools.
5. Topics for *Share, Speak Up, Speak Out* meetings are developed by the Office of Equity, and do not include received reports—anonymous or otherwise—of specific student experiences related to bias.
6. LCPS staff members, including those in the Office of Equity, are required by the LCPS Protocol for Responding to Racial Slurs and Hate Speech (“Protocol”) to immediately address a report of racial slurs, hate speech or a related incident. The Protocol has been adopted as School Board Regulation 8030-3.

7. The Protocol does not influence, impact, or relate in any way to *Share, Speak Up, Speak Out* meetings.

8. The Protocol is not overseen by the Office of Equity.

9. The Protocol requires school administrators to record reports of racial slurs, hate speech, or a related incident, whether or not such report relates to any further investigation or disciplinary action guided by the Student Code of Conduct.

10. Students who observe or are subjected to inappropriate actions as described in the LCPS Student Code of Conduct are always expected to report such incidents to their school administration. Nothing in the LCPS Student Code of Conduct requires students to report such incidents in any specific form. Students who report racial slurs, hate speech or related incidences to staff members in the Office of Equity are redirected to report such incidents to their school administrators.

11. Pursuant to the Protocol, school administrators document reported incidents of racial slurs, hate speech, or related incidents. Such documentation is received and reviewed by the Office of Equity for the purpose of following-up to offer support and coaching to school staff, and to gather data to report publicly. Documentation received by the Office of Equity does not include student names or identification numbers.

12. At the discretion of school administrators, incidents of racial slurs, hate speech, or related incidents are addressed as disciplinary incidents by school administrators. The Office of Equity has no role in, and does not review, the disciplinary actions taken by school administrators related to racial slurs, hate speech, or related incidents documented pursuant to the Protocol.

13. The Share, Speak Up, Speak Out form that is the subject of this lawsuit was an online form that allowed students to anonymously share their experiences regarding issues of racism, injustice, and inequity with the Office of Equity.

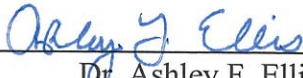
14. Neither LCPS nor the Office of Equity has utilized the Share, Speak Up, Speak Out form since June of 2021.

15. No other mechanism in furtherance of creating a bias reporting form has been contemplated or effectuated since that time.

16. The Office of Equity has no plans or intentions of reimplementing the discontinued Share, Speak Up, Speak Out form in the future, and such reimplementation could not occur without my awareness and approval.

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

Executed on August 11, 2023.



Dr. Ashley F. Ellis

EXHIBIT B



Action Plans to Combat Systemic Racism

Present State of the Plan: This detailed plan is designed to identify action steps and associated governance and operational opportunities that the Loudoun County School Board (LCSB) and Loudoun County Public Schools (LCPS) Administration can take to combat systemic racism. Actions that were in progress prior to the school closure in March of 2020 due to the COVID-19 pandemic are identified with an asterisk. This plan identifies detailed steps associated with each action. The purpose of the plan is to ensure transparency in progress monitoring and accountability; therefore, it will be posted on the Equity webpage for the public to access. The plan is organized by action steps that include both governance and operational opportunities, goals, resources needed to accomplish each goal, and questions that are under consideration.

This document is a fluid document in which LCPS reserves the right to add or revise action steps based on progress monitoring data, current events, and climate survey data.

Action Steps: General actions that the LCSB and LCPS Administration will take toward combating systemic racism.

Focus Area(s): Each action step is categorized by a minimum of one of four areas of focus - Academic Progress, Access & Opportunity, Relationships & Culture, and Closing Gaps. These graphic symbols are provided to assist with various forms of presenting digestible information for public consumption.

Opportunities: A set of potential circumstances that make it possible for the LCSB and the LCPS Administration to act on the action steps set forth.

SMART Goals and Objective(s): Goals (the what) and objectives (the how) for each action step are part of this plan to provide a sense of directional clarity, accountability, a clear focus, and to clarify the importance of each action step. Each SMART goal and its potential associated objective(s) incorporate the criteria - SMART acronym that stands for **Specific, Measurable, Achievable, Realistic, and Timely**. Each SMART goal incorporates all of these criteria to help focus efforts and increase the chances of achieving the goal.

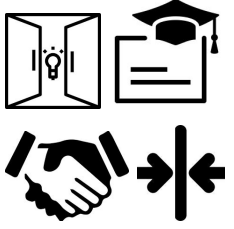
Resources Needed to Accomplish Each Goal: Some action steps may have a list of resources needed in order to accomplish the associated goals set forth.

Remaining Questions under Consideration: Each action step lists questions that are currently under consideration further supporting the notion that the document is fluid, that anti-racism work is ongoing, and that LCPS is not approaching the work from an initiative or checklist perspective.

Each action step is categorized by a minimum of one of four areas of focus.



The slidedeck presented to the LCSB in June 23, 2020 can be found [HERE](#)

Action	Focus Area(s)	Opportunities
<p>Finalize the comprehensive equity plan to guide our work in this important area.*</p>		<p>Governance: The three members of the LCSB who serve on the Committee provided input into the development of the comprehensive equity plan at the July 16, 2020 Equity Committee meeting. The LCSB will review and approve the final plan presented by the Equity Committee in the fall of 2020. The LCSB can ensure that the Equity Plan is aligned with strategic actions set forth in the next iteration of the Strategic Plan.</p> <p>Operations: LCPS is finalizing a comprehensive equity plan to guide our work in this important area. The document, currently in draft form, was presented in the February 2020 <i>Equity Community Conversation</i> and underwent additional community review and feedback as well as input from the Equity Committee of the Loudoun County School Board.</p>

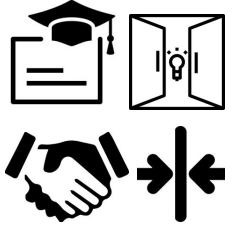
SMART Goal and Objective: LCPS will finalize the comprehensive equity plan under the leadership of the Director of Equity by presenting the plan aligned to the current strategic actions to the Equity Committee on July 16, 2020, incorporating the committee’s input by August 3, 2020 and presenting the final draft of the plan to the LCSB on or before its August 11, 2020 School Board meeting as an information item seeking School Board approval at its September 8, 2020 meeting. The *Comprehensive Equity Plan* is not to be confused with this plan to combat systemic racism, although both plans will complement each other.

Needed Resources to Accomplish the Goal:

- Designated time on the August 11 and September 8 School Board agendas for School Board review and approval;
- Resource allocation through the FY22 and beyond budget process that supports the implementation of each Equity Emphasis identified in the *Comprehensive Equity Plan*; and
- Clear communication strategies led by the Public Information Office to provide clear messaging regarding all inclusive equity efforts on an ongoing basis.

Remaining Questions under Consideration (see Q&A at the bottom of this document):

- What is the difference between the Equity Plan and the LCPS Action Plan to Combat Systemic Racism?
- Will both plans exist as separate documents?

Action	Focus Area(s)	Opportunities
<p>LCPS staff will complete mandatory professional learning (PL) set forth by the division and will either self-prescribe or collaborate with their immediate supervisor to participate in optional PL specific to developing racial literacy, raising racial consciousness, and/or delivering culturally relevant and responsive instruction.*</p>		<p>Governance: The LCSB will support professional learning plans set forth by the LCPS Administration.</p> <p>Operations: In the winter of 2020, LCPS Administration began designing a professional learning series by employee group which outlines both required and optional professional learning sessions. LCPS Administration will further develop, publish and implement a comprehensive professional development plan in the 2020-2021 school year. The plan will be recommended by a cross-departmental team, specific to racial equity for employees.</p>

SMART Goal and Objective: By August 7, 2020 complete the development of a cross departmental plan of mandatory Diversity, Equity, and Inclusion (DEI) professional learning opportunities for school and division staff, including efforts related to addressing opportunity and achievement gaps, systemic oppression, and implicit bias. Mandatory training will be connected to and promote sustained supports such as:

- Regular curation and sharing of resources related to DEI
- Opportunities for ongoing conversations amongst school leaders and teachers on issues related to DEI
- Support and development of the capacity of individual offices to support the building of capacity related to DEI

LCPS staff will have access to optional DEI professional learning and be expected to participate in mandatory DEI professional learning beginning in the 2020-2021 school year.

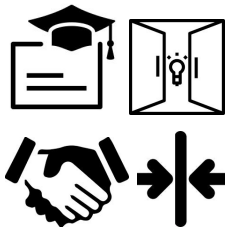
Needed Resources to Accomplish the Goal:

- Cross-departmental team to curate and design professional learning opportunities

- Professional development resources, including funds, texts and materials, to support mandatory professional learning across the division

Remaining Questions under Consideration: N/A

- What professional development will be considered mandatory, and what optional, personalized professional development will be provided?

Action	Focus Area(s)	Opportunities
The Superintendent's Cabinet and LCSB will participate in their personal continued professional learning to build equity literacy and racial consciousness.		<p>Governance: The LCSB will participate in professional learning with the Superintendent and the Superintendent's Cabinet.</p> <p>Operations: The LCPS Superintendent and Cabinet will develop and fully participate in a mutually agreed upon professional learning plan focused on racial consciousness and equity literacy.</p>



SMART Goal and Objective: Annually in the month of August, the LCSB and LCPS Administration will develop and participate in a mutually agreed upon professional learning plan for the upcoming school year to be facilitated by an external expert. The annual plans will be completed by May of each year and will build upon each other in order for the LCSB and LCPS Administration to build equity literacy and racial consciousness. LCPS Administration and the LCSB will also have access to a menu of professional learning sessions and resources that individuals may opt into.


Needed Resources to Accomplish the Goal:

- Funds to pay an external consultant to deliver the service.

Remaining Questions under Consideration:

- How will the LCSB and LCPS Administration develop a plan that is mutually agreed upon?
- Will there be pre and post tests to determine individual School Board members' and cabinet members' racial literacy and consciousness?
- Will there be an expectation for School Board members and Cabinet members from an accountability standpoint to exhibit equity literacy and racial consciousness through evaluations of Cabinet or a survey of the public?
- Should the professional learning plans of individual members of the School Board, the Superintendent, and the Superintendent's Cabinet be posted on the Equity webpage?

Action	Focus Area(s)	Opportunities
Prohibiting the wearing/flying of flags, images, or symbols on LCPS property that represent racist or hateful ideology, such as Confederate flags, swastikas, etc., which may cause a disruption to positive school/workplace cultures.		<p>Governance: The LCSB will consider a proposed revision to Policy 8270 Student Dress Code prohibiting the wearing/flying of flags, images, or symbols on LCPS property that represent racist or hateful ideology, such as Confederate flags, swastikas, etc., which may cause a disruption to positive school/workplace cultures.</p> <p>Operations: LCPS will propose revisions to Policy 8270 Student Dress Code for the School Board’s consideration, revise the Student Code of Conduct, Employee Handbook, and associated regulations. Staff will solicit feedback from the Equity Committee to prepare to present Policy 8270 to the Discipline Committee of the School Board.</p>
<p>SMART Goal and Objective: By August 2020, LCPS Administration will refine Policy 8270 Dress Code to reflect prohibition of wearing or flying of flags, images, or symbols on LCPS property that represent racist or hateful ideology.</p> <p>Needed Resources to Accomplish the Goal:</p> <ul style="list-style-type: none"> • Time to refine policy 8270 • Review draft and seek feedback at Discipline Committee meeting on August 19, 2020 • Schedule meeting for Equity Committee to review the draft and provide feedback in the months of August and/or September, 2020 <p>Remaining Questions under Consideration:</p> <ul style="list-style-type: none"> • Students’ first amendment right. • Determine what disciplinary measure will be extended if a student violates the policy. 		
Action	Focus Area(s)	Opportunities
Finalize revisions to the Memorandum of Understanding (MOU) between LCPS and law		<p>Governance: Members of the LCSB may choose to participate in the <i>Equity Community Conversation</i> regarding the MOU, provide feedback through the Equity Committee, and support the final version of the MOU by discussing its importance at a School Board meeting.</p>

enforcement.*		<p>Operations: LCPS will partner with the Loudoun County Sheriff's Office (LCSO) and Leesburg Police Department (LPD) to resume the <i>LCPS Pathway to Equity Community Conversation Series</i> and further engage the community in the finalization of the MOU proposed revisions with a strong racial equity perspective. Stakeholders include representatives from MSAAC, SEAC, and the Equity Committee, etc.</p>
<p>SMART Goal and Objective: LCPS will partner with the Loudoun County Sheriff's Office (LCSO) and Leesburg Police Department (LPD) to resume staff review and finalization of edits based upon the conversations to date. Staff level work will include planning for the Equity Community Conversation Series (to be held virtually in early September 2020) and further engage the community in efforts to fully understand contemporary issues that affect the school community. LCPS will revisit the extensive written and verbal feedback provided by MSAAC and SEAC (during a review period of November 6, 2019 through January 29, 2020) and the Equity Committee (reviewed February 3 - February 6, 2020) prior to finalizing the document. The revised version of the MOU will consider stronger language from a racial equity perspective. LCPS Administration will present the MOU to the School Board as an information item in September 2020 with anticipated approval by October 2020.</p> <p>Needed Resources to Accomplish the Goal:</p> <ul style="list-style-type: none"> • N/A <p>Remaining Questions under Consideration:</p> <ul style="list-style-type: none"> • Does the MOU legally require Board approval and Chair signature? • Should we consider a separate action step regarding training of SSOs and SROs or emphasize the plan and timeline within this action step? 		
<p>Action</p>	<p>Focus Area(s)</p>	<p>Opportunities</p>
<p>Finalize the Protocol for Responding to Racial Slurs and Hate Speech in Schools and Revise Policy 7560</p>		<p>Governance: Individual members of the LCSB will express conceptual support for the staff actions described below related to the Student Code of Conduct. LCSB will consider proposed revisions to Policy 7560 Professional Conduct.</p> <p>Operations: LCPS is finalizing the next iteration of a protocol for responding to</p>

Professional Conduct.*		<p>racial incidents when they occur in our schools. The document, currently in draft form, was presented in the February 2020 <i>Pathway to Equity Community Conversation</i> and has undergone additional revision for input from the Equity Committee of the Loudoun County School Board on July 16, 2020. Some members of the Equity Committee offered additional feedback at the July 16 meeting which will be considered prior to finalization of the protocol. LCPS has developed revisions to the Student Rights and Responsibilities Handbook that includes disciplinary sanctions related to the use of racial slurs and hate speech. The Employee Handbook, and associated regulations will be aligned with any policy revisions approved by the LCSB to address expectations for employee conduct and response to the use of racial slurs and hate speech. LCPS Administration will be ready to present the proposed changes to Policy 7560 Professional Conduct to the Human Resources & Talent Development Committee in August.</p>
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SMART Goal and Objective: LCPS presented the draft *Protocol for Responding to Racial Slurs and Hate Speech in Schools* to the Equity Committee on July 16, 2020, and is in the process of considering the feedback received from the Equity Committee prior to finalizing the *Protocol*. LCPS will present the revised *Protocol* and revised associated Code of Conduct violations to school administrators at the Administrative Leadership Conference in August 2020 and post the finalized document on the LCPS Equity Overview webpage with full implementation expected to begin in the Fall of 2020.

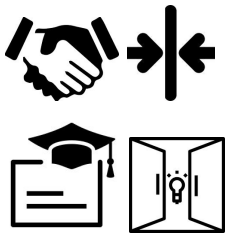
HRTD will present a revised draft of Policy 7560 Professional Conduct to the HRTD committee of the LCSB by August 19, 2020. The committee will consider changes and forward the policy to the full School Board consideration and adoption.

Needed Resources to Accomplish the Goal:

- Designated time for presentation as the August 2020 Administrative Leadership Conference.

Remaining Questions under Consideration:

- What training should be provided to students and staff related to bias, racial and cultural insensitivity, and racial and cultural literacy?

Action	Focus Area(s)	Opportunities
LCPS will implement measures to reduce racial/ethnicity discipline disproportionality.		<p>Governance: Individual members of the LCSB will express conceptual support for the staff actions described below related to the Student Code of Conduct.</p> <p>Operations: LCPS Administration has drafted changes to the Student Code of Conduct to include mandatory alternatives to out-of-school suspension for subjective discipline infractions, such as disrespect, defiance, and classroom/campus disruption, etc. LCPS Administration will solicit feedback from school leaders and the Equity Committee prior to finalizing.</p>

Baseline Data for 2018-19 *(Replace with alternative?)*

Student Group	Enrollment	Suspension-In School	Suspension-Out of School
Asian	22.2%	10.2%	9.5%
Black	6.8%	11.9%	15.8%
Hispanic	17.7%	31.5%	29.7%
Other	0.7%	1.0%	1.5%
Two or More	5.5%	4.9%	5.6%
White	47.3%	40.4%	37.7%

Out of School Suspensions

- Disproportionality difference for Black Students: 15.8% - 6.8% = 9 points
- Disproportionality difference for Hispanic Students: 29.7% / 17.7% = 12 points

SMART Goals for 2020-21

- Disproportionality difference for Black Students: 13.8% / 6.8% = 7 points
- Disproportionality difference for Hispanic Students: 26.7% / 17.7% = 9 points

Alternative (*This option includes the suspension rates and risk ratios as suggested by best practices for presenting discipline data*)

Baseline Data for 2018-19

Student Group	Suspension Rate	Difference Compared to White Students	Risk Ratio to White Students
American Indian/Pacific Islander	3.09%	2.21	3.51
Asian	0.46%	-0.42	-0.52
Black	2.57%	1.69	2.92
Hispanic	1.82%	0.94	2.07
Two or More	1.16%	0.28	1.32
White	0.88%	0.00	0.00

SMART Goals for 2020-21

- Reduce suspension rate for American-Indian/Pacific Islander students while closing the difference or disproportionality to white students by 25% (risk ratio decreases from 3.51 to 2.63)
- Reduce suspension rate for Black students while closing the difference or disproportionality to white students by 25% (risk ratio decreases from 2.92 to 2.19)
- Reduce suspension rate for Hispanic students while closing the difference or disproportionality to white students by 25% (risk ratio decreases from 2.07 to 1.55)

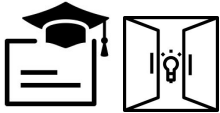
Needed Resources to Accomplish the Goal:

- Continued training and use of Reflective Considerations for Discipline for school staff to address implicit bias in discipline decisions, particularly disorderly conduct
- Ongoing use of MTSS Data Analytics Tool and Discipline Violation Reports in QLIK for monitoring and action steps throughout the school year

- Development and provision of ongoing interventions for Black and Hispanic students who are engaging in behaviors that might lead to suspensions
- Removing disorderly conduct as a violation category for suspensions, which disproportionately impacts Blacks and Hispanic students

Remaining Questions under Consideration:

- To what extent are we addressing the root causes for discipline disproportionality (bias, cultural insensitivity, culturally responsive and engaging instruction, etc.)?

Action	Focus Area(s)	Opportunities
Implement measures to increase the diversity of the applicant pool and the population of admitted students at the Academies of Loudoun.*		<p>Governance: The LCSB will review draft plans as shared by LCPS Administration and, as individual members, will express conceptual support for revisions.</p> <p>Operations: LCPS Administration will continue to revise the outreach, recruitment, application, and admissions processes for the Academies of Loudoun. Some steps have been taken in the 2019-2020 school year. Additional actions steps are planned based on current data and recommendations from outside Counsel.</p>

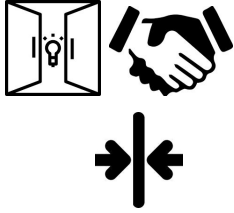
SMART Goal and Objective: By the start of the Fall 2020 admissions window, revise the Academies of Loudoun admissions process to minimize disparate impact of admissions criteria. Implement measures to increase the diversity of the applicant pool and the population of admitted students to the Academies of Loudoun for the fall and winter 2020 Admissions window. Add a belief statement by September 1, 2020 to the Academies of Loudoun Mission, Vision, and Belief statements reflecting the commitment to equitable access for all students. Additionally, the staff members responsible for the development, implementation, and monitoring of the recruitment and admission process would become Department of Instruction staff members, rather than Academies staff members, and would report to the Director of High School Education.

Needed Resources to Accomplish the Goal:

- Training for admissions panel

Remaining Questions under Consideration:

- How do we continue to monitor admissions criteria and impact on applicant pool and admitted students, adjusting as needed?
- Should the CogAT be implemented for the Fall 2021 admissions window in lieu of the STEM Thinking test? Is there another more appropriate assessment to measure STEM thinking skills?

Action	Focus Area(s)	Opportunities
LCPS will revise hiring protocols, practices, and resources for hiring managers to include but not limited to setting forth requirements for racially diverse interview panels.*		<p>Governance: The LCSB will support the LCPS Administration’s revisions to said protocols, practices, and resources for hiring managers.</p> <p>Operations: HRTD will work with hiring managers and principals to develop and implement racially diverse interview panels. In addition to continuing to promote this practice, HRTD will collect data regarding the implementation of this practice. HRTD will also use staff demographic data and hiring data to identify schools that need additional assistance and supervision in utilizing practices that are proven to increase the diversity of staff. HRTD will publish staff demographic and hiring data on a school-by-school basis.</p>

SMART Goal and Objective:

- By November, 2020 HRTD will analyze interview and hiring data for the summer 2020 hiring season and report results on the diversity of applicants, the diversity of candidates interviewed, the diversity of staff hired, and the diversity of interview panels.
- By January, 2021, HRTD and principals will review hiring data for each school and assist principals in developing an action plan to increase diversity in hiring.
- By January, 2021, HRTD will identify schools that need additional assistance and supervision and develop and implement remediation plans.
- By February 2021, HRTD will train all principals and assistant principals in the hiring protocols, processes, and requirements.
- Beginning in November 2020, HRTD will actively monitor and remediate schools that are not compliant with the interview and hiring processes.


Needed Resources to Accomplish the Goal:

- Funds and personnel to support schools in need of remediation.
- Additional personnel at local hiring events. Required attendance for all school-based administrators.

- Programming data management and applicant tracking systems to correlate reports.

Remaining Questions under Consideration:

- How do we seat interview panels to insure diverse representation?
- How do we diversify contacts at all steps of the hiring process?
- How diverse are our current interview panels?
- How are we going to create diverse interview panels at small schools?
- How do we extrapolate and track demographic data for candidates and interview panels?

Action	Focus Area(s)	Opportunities
<p>LCPS will collaborate with the Black community in Loudoun to establish an interpretive display or exhibit such as a statue honoring Black individuals who made significant contributions related to education during segregation. Locations for consideration include the Douglass School and LCPS Administration campuses.</p>		<p>Governance: The LCSB will endorse the concept of the interpretive display or exhibit and, if necessary, will take action to appropriate funds.</p> <p>Operations: LCPS Administration will meet with the Equity Committee, MSAAC, and the leaders of several groups (the Loudoun Branch of the NAACP, the Douglass School Alumni Association, Loudoun County Black History Committee and the Edwin Washington Project), and others to develop a plan.</p>

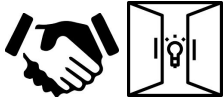
SMART Goal and Objective: As a part of design development for the renovation of the Douglass High School, the interpretive display exhibit will be considered as complementary to the efforts of preserving the history of the school and the community. The design team will engage the community and stakeholders in the development of concepts for the interpretive display that will address the type, location, materials and message to be conveyed through the articles of the work. Goals for the display will address the preservation of memories of black community history and hopes for the future. Additionally, the work will serve as a memorial to african american ancestors who worked tirelessly and sacrificed so that members of the community might have better opportunities in the future. Concepts from the design team will be shared with the community and school board for consensus in the September 2020 to October 2020 time frame .

Needed Resources to Accomplish the Goal:

- Supplemental funding may be required depending upon the scope and costs

Questions under Consideration:

- Will other locations be considered for similar displays?
- Who will be included in the final approval for the effort?

Action	Focus Area(s)	Opportunities
<p>LCPS Superintendent, the Superintendent’s Cabinet and members of the LCSB who are on the Equity Committee will meet biannually with LCPS staff members of color to connect and offer a safe space to listen and learn about their experiences in LCPS.</p>		<p>Governance: The LCSB will commit to revising policies and allocating resources to combat systemic racism and discrimination of staff based on what they learn and hear in the “listen and learn” sessions with staff. Members of the LCSB who are not on the Equity Committee may wish to participate in these meetings as well. Depending on the number of Board members who participate, the meetings may be public.</p> <p>Operations: LCPS Administration will set forth recommendations to the LCSB to revise policies and allocate resources to combat systemic racism and discrimination of staff based on what they learn and hear in the “listen and learn” sessions with staff. LCPS Administration will also work with their department leaders to establish affinity groups and safe spaces to inform decision making.</p>

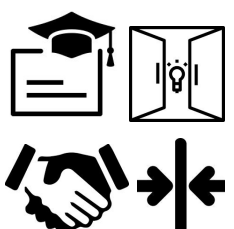
SMART Goal and Objective: As a vehicle for increasing racial consciousness; a welcoming and affirming school system for Staff of Color, during the school year LCPS Superintendent, Cabinet, and LCSB members who serve on the Equity Committee will host a minimum of two “listen and learn” sessions for Staff of Color.


Needed Resources to Accomplish the Goal:


- Some shared foundational knowledge (for LCSB and Cabinet) on (safe and brave spaces, centering, etc.) will need to be established in order for true “listening” to occur in these sessions. This could link to the Professional Learning goal/action step for LCSB and Cabinet
 - Me and White Supremacy by Layla Saad
 - The Listening Leader: Creating the Conditions for Equitable School Transformation by Shane Safir
 - How to be an AntiRacist by Ibram X. Kendi
- The Racial Healing Handbook by Anneliese Singh - Resource with some discussion prompts for “listen and learn” sessions
- Will need to develop some norms of collaboration and working agreements for creating space to share

Remaining Questions under Consideration:

- Who will facilitate these sessions?
- What is the participation option for a non-Person of Color (who desires to serve as allies) to engage in these sessions?
- Should LCPS consider an external facilitator?

Action	Focus Area(s)	Opportunities
LCPS will develop and implement a culturally responsive instructional framework and explore the possibility of a legislative action item regarding culturally responsive instruction		<p>Governance: The LCSB will support the development and implementation of a culturally responsive instructional framework and professional learning plans needed to implement the framework set forth by the LCPS Administration.</p> <p>Operations: LCPS Administration will collaboratively develop and implement a culturally responsive instructional framework based on three principles: welcoming, inclusive & affirming environment, inclusive curriculum & assessment, and engagement and challenge through deeper learning. LCPS Administration will</p>

<p>as part of the 2020 legislative program.*</p>		<p>include multiple stakeholders, including secondary students representing MSAAC Ambassadors and high school student affinity groups, in the development of the framework to assist with creating an inclusive and affirming environment.</p> <p>LCPS Administration will also explore the possibility of a legislative action item regarding culturally responsive instruction as part of the 2020 legislative program.</p>
<p>SMART Goal and Objective: The Culturally Responsive Instructional Framework will be completed by October 2020 following feedback and input from internal and external stakeholders.</p> <p>Needed Resources to Accomplish the Goal:</p> <ul style="list-style-type: none"> ● Access to agenda for Equity Committee, MSAAC, and other meeting structures ● ALT input session for Principals ● Student Voice ● Staff from cross departmental team including ECR office in DOI <p>Remaining Questions under Consideration:</p> <ul style="list-style-type: none"> ● How will mandatory DEI professional learning connect to the framework? 		
Action	Focus Area(s)	Opportunities
<p>LCSB will consider the potential renaming of the Loudoun County High School mascot, the Raiders.</p>		<p>Governance: At the request of an individual School Board member, the LCSB will begin a discussion involving the potential renaming of the Loudoun County High School mascot. Should the School Board decide to consider taking action in the future, the LCSB may wish to engage in a public input process through a Special Meeting of the School Board. The LCSB may also choose to establish a “re-naming committee” including but not limited to current students and staff, LCHS alumni, representatives of the Loudoun Branch of the NAACP, etc.</p> <p>Operations: LCPS Administration will collaborate with school administration, the LCHS community, and others to be responsive to any action taken by the Board. LCPS Administration will also conduct a school by school name review beginning the summer of 2020 In alignment with Board action to change the name of the LCHS</p>

		<p>mascot, the school principal with support from division administration will implement a process to engage the LCHS community in selecting a new mascot for the high school. LCPS Administration will work with school administration to review needs in order to set forth budget recommendations for the School Board's support.</p>
<p>SMART Goal and Objective: During the summer of 2020, the Loudoun County High School leadership, with support from LCPS Senior Leadership, will engage the LCHS community in a collaborative and public process to select a new mascot to replace the Loudoun County Raiders. During the 2020-2021 school year and once a mascot is selected, LCPS Departments of Support Services, Business & Finance, and Instruction will work with LCHS leadership to identify and replace all references to the LCHS Raiders with the new mascot.</p> <p>Needed Resources to Accomplish the Goal:</p> <ul style="list-style-type: none"> Funds to support the removal and replacement of the Raiders word and emblem from physical LCHS property, spirit wear, uniforms, etc. <p>Remaining Questions under Consideration:</p> <ul style="list-style-type: none"> Timing for removal of Raiders mascot throughout building and on campus? 		
Action	Focus Area(s)	Opportunities
<p>LCPS will maintain a list of resources for the consumption of the broader LCPS community on the LCPS Equity webpage.</p>		<p>Governance: The LCSB will support the concept of offering resources regarding racial literacy and consciousness with the LCPS community.</p> <p>Operations: LCPS Administration will review and revise the list of resources for the LCPS community based on goals set forth in the comprehensive equity plan, relevant LCPS topics, and local, state, and national current events. LCPS will access external resources, like Racial Equity Tools, and internal resources to maintain the list.</p>


SMART Goal and Objective: Beginning summer of 2020, LCPS Directors of Equity and Communication and Community Engagement will collaborate to review, publish, and maintain resources to be posted to the LCPS Equity webpage. Resources will be reviewed and posted at least quarterly for public consumption.

Needed Resources to Accomplish the Goal:

- N/A

Remaining Questions under Consideration:

- Do we want to consider a process to allow internal and external partners to submit resources for review and posting?

Action	Focus Area(s)	Opportunities
<p>LCPS will collect qualitative data regarding racial incidents to amplify student voices.</p>		<p>Governance: The LCSB will support the concept of LCPS staff amplifying student voices regarding racial incidents they have experienced in school.</p> <p>Operations: LCPS Administration will create an electronic form for LCPS students to anonymously share their stories regarding issues of racism, injustice and inequity. The intent will be to amplify student voice as the Equity Assessment indicated, “...many English Learners, Black/African-American, Latinx, and Muslim students have experienced the sting of racial insults/slurs or racially motivated violent actions.” The information will also be used to collect qualitative data regarding racial incidents; however, the tools used to highlight student voice may inform, not supersede, LCPS policies or protocols for addressing racial incidents, including but not limited to the Student Code of Conduct, Policy 7560 Professional Conduct, and the Protocol for Responding to Racial Slurs and Hate Speech in Schools. LCPS Administration will also collaborate with school leaders and partners such as MSAAC, who have student affinity groups, to ensure that students are encouraged to share their stories, speak up, and to ensure that they are supported by LCPS.</p>


SMART Goal and Objective: Beginning Fall of 2020, LCPS will create opportunities to listen to student stories and collect anonymous student stories/experiences regarding issues of racism, injustice and inequity. Stories and experiences will be reviewed and shared by the Supervisor of Equity and LCPS student leaders of Color during regularly occurring student *Share, Speak-up, Speak-out* meetings via virtual platform or in-person. These opportunities will be used to amplify the voice(s) of Students of Color. An electronic form will be used to anonymously collect student stories and to ascertain whether or not the student would like their account of the issue investigated and/or if they would like to speak with a member of a LCPS United Mental Health Team for support.

Needed Resources to Accomplish the Goal:

- Leverage support of Equity Leads to support this affinity space for Students of Color
- Professional learning, resources and protocols (for staff) to facilitate sharing and creating safe and brave spaces for students

Remaining Questions under Consideration:

- What will be the process for selecting Students of Color to serve in this way?
 - How often will the student group meet with the Supervisor of Equity and other division leaders?
 - Should LCPS Administration use Restorative Practices to repair harm and amplify student voices during the Share, Speak-up, Speak-out meetings?
- How can we create a Student Leaders of Color (i.e. student equity ambassador) network division-wide with student representatives at schools and bring those students together as a means to amplify student voices? This allows for an opportunity to build forward motion in using student voice in the following ways:
 - PBL experiences & Deeper Learning focus - solving an authentic problem
 - Social-Justice lens to develop greater awareness and build student empathy, leadership and advocacy skills
- How can LCPS use strengths-based Social Emotional Learning (SEL) and mental health approaches to support individuals and school communities??
- In what ways can school teams use the CASEL resources through an equity lens as part of a systemic division wide effort to promote SEL and equity to further support the development of communal values and positive ethnic-racial identity; particularly for students whose cultures and racial-ethnic groups are historically marginalized?
- What other actions can be implemented to help minimize the negative impacts of internalized, interpersonal, and institutional oppression and provide ways for students and staff to constructively and collectively respond to injustices?
- What can LCPS do to promote the timely reporting of concerns so that school administrators may apply the existing protocol and involve qualified members of UMHT or other mental health professionals?

Action	Focus Area(s)	Opportunities
<p>LCPS will formally apologize for the history of operating segregated schools.</p>		<p>Governance: The LCSB and the LCPS Administration will jointly extend a formal apology for the history of operating segregated schools. The LCSB will direct the Superintendent to reach out to the County Administrator to invite the Board of Supervisors to join the school division in issuing the apology.</p> <p>Operations: LCPS Administration will develop a formal statement of apology for the history of operating segregated schools.</p>

SMART Goal and Objective: On Friday, August 28, 2020, the 57th anniversary of the March on Washington and Dr. Martin Luther King, Jr.’s “I Have a Dream Speech”, the LCPS Public Information Office will issue a media release announcing the intent of the LCSB and Superintendent to extend a formal written statement of apology for the history of operating segregated schools. The letter will acknowledge and apologize for the fact that Loudoun was one of the last school systems in the nation to desegregate its schools, three years after Dr. King’s speech and 14 years after the U.S. Supreme Court’s Brown vs. Board of Education ruling that declared separate public schools based on race to be unconstitutional. The letter will also be inclusive of an apology for the LCSB’s agreement to build a new high school for Students of Color that met standards of accreditation and provide school bus transportation throughout the County in exchange for the eight acres of land (the Black community purchased in 1939 for \$4,000), which the Black community sold to the LCSB for \$1 to build the high school. LCPS will seek input from MSAAC, NAACP, Friends of Thomas Balch Library, Edwin Washington Project, Black History Committee - Friends of Thomas Balch Library, and Loudoun Douglass School Alumni Association on additional topics to be addressed in the apology letter. The apology letter and a video that displays the purpose of the apology with snippets of interviews of members of the Black community of LCPS expressing what it means for LCPS to be apologizing and what some of the action steps to combat systemic racism mean from their point of view will be released in mid-September.

Needed Resources to Accomplish the Goal:

- Support from the LCSB of the concept of a written apology at the August 11, 2020 School Board meeting.

Remaining Questions under Consideration:

- N/A

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Patti Hidalgo Menders; Scott Mineo;
and Jane Does #1, #2, and #3, on behalf
of themselves and their minor children
R.M.; A.M.; Jane Does #4, #5, and #6;
and John Does #1 and #2.

Plaintiffs,

v.

Loudoun County School Board,

Defendant.

Case No. 1:21-cv-00669

**PLAINTIFF PATTI MENDER'S ANSWERS TO DEFENDANT'S
FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF MENDERS**

INTERROGATORIES

Plaintiff Patti Menders pursuant to Rule 33 of the Federal Rules of Civil Procedure provides the following Answers to Defendant's First Set of Interrogatories:

1. Identify, by name or pseudonym, all other Plaintiffs in this case with whom you have communicated regarding the claims you asserted in the First Amended Complaint.

Objection: Plaintiff Patti Menders objects to this request on the grounds that it is overbroad and partially asks for information that is not relevant to this case. It lacks a reasonable time period restriction and is not targeted at information relevant

representatives at schools and bring those students together as a means to amplify student voices? This allows for an opportunity to build forward motion in using student voice.”

7. State all facts that support your assertion that RM wishes “to speak out on CRT, race, and gender identity, and other controversial political issues within the LCPS community,” as alleged in paragraph 62 of the First Amended Complaint.

Answer: Plaintiff Menders stated these facts in her affidavit that she attached to Plaintiffs’ Motion for a Preliminary Injunction. *See* App. Supp. Pl.’s Mot. for Preliminary Inj. and to Proceed Anonymously, ECF No. 9-2 (App. 117-19).

8. State all facts that demonstrate, or support the existence of, your concern— as alleged in paragraph 65 of the First Amended Complaint—that if Jane Doe #6 shares “their views about political or social issues, including those touching on CRT, religion, race, human sexuality, and other controversial political issues, they will be reported and investigated for ‘bias incidents.’”

Answer: The news articles cited in Plaintiffs’ Motion to Proceed Anonymously show the facts giving rise to Plaintiff Menders fears that if her child speaks out about sensitive issues that those statements could be reported as a bias incident. Those news articles are cited in response to RFP No. 10.

Additionally, a group on Facebook that calls itself the “Anti-Racists Parents of Loudoun County has engaged in threats and intimidation towards parents opposed to critical race theory. Beth Barts, who was a member of the LCPS School Board at

Answer: See response to Request for Production of Documents No. 10. I have a son (R.M.) and not a daughter in LCPS, so Jane Doe #6 should be John Doe #3.

Respectfully Submitted,

/s/ Jeffrey D. Jennings

Jeffrey D. Jennings (VSB No. 87667)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2022, a copy of the foregoing was sent via email to the address below pursuant to the parties' agreement:

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DATED: January 6, 2022

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EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Patti Hidalgo Menders; Scott Mineo;
and Jane Does #1, #2, and #3, on behalf
of themselves and their minor children
R.M.; A.M.; Jane Does #4, #5, and #6;
and John Does #1 and #2.

Plaintiffs,

v.

Loudoun County School Board,

Defendant.

Case No. 1:21-cv-00669

**PLAINTIFF SCOTT MINEO'S ANSWERS TO DEFENDANT'S
FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF MINEO**

INTERROGATORIES

Plaintiff Scott Mineo pursuant to Rule 33 of the Federal Rules of Civil Procedure provides the following Answers to Defendant's First Set of Interrogatories:

1. Identify, by name or pseudonym, all other Plaintiffs in this case with whom you have communicated regarding the claims you asserted in the First Amended Complaint.

Objection: Plaintiff Scott Mineo objects to this request on the grounds that it is overbroad and partially asks for information that is not relevant to this case. It lacks a reasonable time period restriction and is not targeted at information relevant

7. State all facts that support your assertion that AM wishes “to speak out on CRT, race, and gender identity, and other controversial political issues within the LCPS community,” as alleged in paragraph 62 of the First Amended Complaint.

Answer: Plaintiff Mineo stated these facts in his affidavit that he attached to Plaintiffs’ Motion for a Preliminary Injunction. *See* App. Supp. Pl.’s Mot. for Preliminary Inj. and to Proceed Anonymously, ECF No. 9-2 (App. 120-23).

8. State all facts that demonstrate, or support the existence of, your concern— as alleged in paragraph 65 of the First Amended Complaint—that if AM shares “their views about political or social issues, including those touching on CRT, religion, race, human sexuality, and other controversial political issues, they will be reported and investigated for ‘bias incidents.’”

Answer: The news articles cited in Plaintiffs’ Motion to Proceed Anonymously show the facts giving rise to Plaintiff Mineo’s fears that if his child speaks out about sensitive issues that those statements could be reported as a bias incident. Those news articles are cited in response to RFP No. 10.

Additionally, a group on Facebook that calls itself the “Anti-Racists Parents of Loudoun County” has engaged in threats and intimidation towards parents opposed to critical race theory. Beth Barts, who was a member of the LCPS School Board at the time, posted in this group that she was “very concerned that the [anti-] CRT movement for lack of better word is gaining support.” She further wrote that she wanted to “call out statements and actions that undermine our stated plan to end

- Sam Dorman, *Virginia Parents Group Launches PAC to Unseat School Board Members over Reopening, Race Controversies*, Fox News (last visited May 20, 2021).¹³
- Matt Leach, *Virginia Parents Speaking Out Against Critical Race Theory Face Retaliation*, Fox News (June 3, 2021).¹⁴

11. All documents that demonstrate or support the existence of your fear—as alleged in paragraph 65 of the First Amended Complaint—that a bias incident “report, investigation, public disclosure, could negatively impact [AM’s] standing in the school community and ruin their college or career prospects.”

Answer: See response to Request for Production of Documents No. 10.

Respectfully Submitted,

/s/ Jeffrey D. Jennings

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¹³ <https://www.foxnews.com/politics/virginia-parents-pac-school-board-members-reopening-critical-race-theory>.

¹⁴ <https://www.foxnews.com/us/virginia-parents-face-retaliation-speaking-out-against-crt>

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2022, a copy of the foregoing was sent via email to the address below pursuant to the parties' agreement:

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EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Patti Hidalgo Menders; Scott Mineo;
and Jane Does #1, #2, and #3, on behalf
of themselves and their minor children
R.M.; A.M.; Jane Does #4, #5, and #6;
and John Does #1 and #2.

Plaintiffs,

v.

Loudoun County School Board,

Defendant.

Case No. 1:21-cv-00669

**PLAINTIFF JANE DOE #2'S ANSWERS TO DEFENDANT'S
FIRST SET OF INTERROGATORIES AND REQUESTS
FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF JANE DOE #2**

INTERROGATORIES

Plaintiff Jane Doe #2 pursuant to Rule 33 of the Federal Rules of Civil Procedure provides the following Answers to Defendant's First Set of Interrogatories:

1. Identify, by name or pseudonym, all other Plaintiffs in this case with whom you have communicated regarding the claims you asserted in the First Amended Complaint.

Objection: Plaintiff Jane Doe #2 objects to this request on the grounds that it is overbroad and partially asks for information that is not relevant to this case. It lacks a reasonable time period restriction and is not targeted at information relevant to this lawsuit. Communications regarding the claims in the lawsuit potentially

representatives at schools and bring those students together as a means to amplify student voices? This allows for an opportunity to build forward motion in using student voice.”

7. State all facts that support your assertion that Jane Doe # 5 wishes “to speak out on CRT, race, and gender identity, and other controversial political issues within the LCPS community,” as alleged in paragraph 62 of the First Amended Complaint.

Answer: Plaintiff Jane Doe #2 stated these facts in her affidavit that she attached to Plaintiffs’ Motion for a Preliminary Injunction. *See* App. Supp. Pl.’s Mot. for Preliminary Inj. and to Proceed Anonymously, ECF No. 9-2 (App. 117-19).

8. State all facts that demonstrate, or support the existence of, your concern— as alleged in paragraph 65 of the First Amended Complaint—that if Jane Doe #5 shares “their views about political or social issues, including those touching on CRT, religion, race, human sexuality, and other controversial political issues, they will be reported and investigated for ‘bias incidents.’”

Answer: The news articles cited in Plaintiffs’ Motion to Proceed Anonymously show the facts giving rise to Plaintiff Jane Doe #2 fears that if her child speaks out about sensitive issues that those statements could be reported as a bias incident. Those news articles are cited in response to RFP No. 10.

Additionally, a group on Facebook that calls itself the “Anti-Racists Parents of Loudoun County has engaged in threats and intimidation towards parents opposed to critical race theory. Beth Barts, who was a member of the LCPS School Board at

- Chrissy Clark, *GoFundMe Caves to Activists, Pulls Fundraiser for Parent Group Fighting Critical Race Theory*, The Daily Wire (Mar. 31, 2021).¹¹
- Luke Rosiak, *'Anti-Racists' School Enemies List Now Gathering Info On Children As Top Prosecutor Joins In*, The Daily Wire (May 25, 2021).¹²
- Sam Dorman, *Virginia Parents Group Launches PAC to Unseat School Board Members over Reopening, Race Controversies*, Fox News (last visited May 20, 2021).¹³
- Matt Leach, *Virginia Parents Speaking Out Against Critical Race Theory Face Retaliation*, Fox News (June 3, 2021).¹⁴

11. All documents that demonstrate or support the existence of your fear—as alleged in paragraph 65 of the First Amended Complaint—that a bias incident “report, investigation, public disclosure, could negatively impact [Jane Doe #5’s] standing in the school community and ruin their college or career prospects.”

Answer: See response to Request for Production of Documents No. 10.

Respectfully Submitted,

/s/ Jeffrey D. Jennings
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¹¹ <https://www.dailywire.com/news/gofundme-caves-to-activists-pulls-fundraiser-for-parent-group-fighting-critical-race-theory>

¹² <https://www.dailywire.com/news/loudoun-anti-racists-targeting-children-but-a-biberaj>.

¹³ <https://www.foxnews.com/politics/virginia-parents-pac-school-board-members-reopening-critical-race-theory>.

¹⁴ <https://www.foxnews.com/us/virginia-parents-face-retaliation-speaking-out-against-crt>

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DATED: January 6, 2022

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