

**IN THE CHANCERY COURT FOR THE TWENTY-FIRST JUDICIAL DISTRICT
OF TENNESSEE
AT FRANKLIN**

**PARENTS' CHOICE TENNESSEE,)
PATRICIA J. LUCENTE and JAMES)
LUCENTE,)**

Plaintiffs,)

) **Case No.** _____

-vs-)

**JASON GOLDEN, in his official)
capacity as SUPERINTENDENT OF)
WILLIAMSON COUNTY SCHOOLS;)**

) **COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

**DAVE ALLEN, in his official capacity as)
ASSISTANT SUPERINTENDENT OF)
TEACHING ASSESSMENT; PENNY)
SCHWINN, in her official capacity as)
COMMISSIONER OF EDUCATION;)
and the WILLIAMSON COUNTY)
BOARD OF EDUCATION;)**

Defendants.)

VERIFIED COMPLAINT

— Parental autonomy is basic to the structure of our society because the family is “the institution by which we inculcate and pass down many of our most cherished values, morals and cultural.”

Belloti v. Baird, 443 U.S. 622 (1979).

COME NOW THE PLAINTIFFS, PARENTS' CHOICE TENNESSEE, PATRICIA J. LUCENTE and JAMES LUCENTE, by and through undersigned counsel, and for their Complaint for Declaratory and Injunctive Relief against Defendants, JASON GOLDEN, in his official capacity as Superintendent of Williamson County Schools; DAVE ALLEN, in his capacity as Assistant Superintendent of Teaching, Learning and Assessment; PENNY SCHWINN, in her

capacity as Commissioner of Education; and the WILLIAMSON COUNTY BOARD OF EDUCATION, would state as follows:

I. NATURE OF THE CLAIM

1. Parents' Choice Tennessee, on behalf of its members, and Patricia Lucente and James Lucente, as parents of a child enrolled in the Williamson County Schools, bring this action against the Defendants Jason Golden, Dave Allen, the Penny Schwinn, (in their official capacities) and the Williamson County School Board ("WCBOE"), for injunctive and declaratory relief arising out of the unlawful adoption, approval, implementation and use of a children's educational curriculum in the Williamson County School system known Great Minds, *Wit & Wisdom* curriculum, in violation of Tennessee law prohibiting the teaching and inculcation of critical race theory in Tennessee schools.

II. INTRODUCTION

2. Critical Race Theory ("CRT") is an inherently divisive, debilitating and racist teaching practice that instructs students to only view life through the lens of race and presumes that some students are consciously or unconsciously racist, sexist, or oppressive, and that other students are their victims. Like all forms of political indoctrination, it has no place in Williamson County school classrooms.

3. The State of Tennessee has statutorily imposed restrictions on course instruction that includes or promotes certain concepts related to race or sex which teach that one (1) race is inherently superior to another race, or that, by virtue of one's race, is inherently privileged, racist or oppressive, whether consciously or subconsciously.

4. This case seeks a declaration that the Defendants' adoption, implementation and inculcation of a curriculum known as Wit & Wisdom constitutes a violation of Tennessee's laws prohibiting the teaching of Critical Race Theory and Common Core values.

III. JURISDICTION AND VENUE

5. This Court is vested with jurisdiction pursuant to Tenn. Code Ann. §16-10-101 and Tenn. Code Ann. § 1-3-121. Venue is proper in Williamson County pursuant to Tenn. Code Ann. §20-4-101, in that all parties are believed to reside within this judicial district, and the unlawful government acts complained of herein were implemented within this county.

IV. PARTIES

6. Plaintiff, Parents' Choice Tennessee ("Parents' Choice"), is a member advocacy organization, and an incorporated nonprofit corporation based in Franklin, Tennessee. It is comprised of over 1,400 parents, grandparents and stakeholders who reside throughout Williamson County, the State of Tennessee and the nation. Parents' Choice was organized and incorporated for the express purpose of representing and protecting the parents of Williamson County schoolchildren of all ages in grades kindergarten – 12th grade and their children from harmful, unlawful and age-inappropriate content. Parents' Choice was founded, in large part, to advocate on behalf of Williamson County parents in response to the WCBOE's adoption and implementation of *Wit & Wisdom*. Its goal is to advocate on behalf of its members for wholesome values honored in schools; to foster parental input in what is being taught to their members' children; and to intervene on behalf of its members to advocate for parental rights to safeguard and protect children from harmful and unlawful content in childhood learning curriculum.

7. Plaintiff Patricia J. Lucente is an adult citizen and resident of Williamson County, Tennessee. Her son, C.L. is a minor child who is enrolled in the Williamson County School System, and scheduled to commence the first grade in the fall of 2022.

8. Plaintiff James Lucente is an adult citizen and resident of Williamson County, Tennessee, and is the husband of Patricia Lucente and the father of the minor child, C.L.

9. Defendant, Jason Golden, is sued in his official capacity as Superintendent of Williamson County Schools and may be served with process at his office located at 1320 W. Main Street, Franklin, TN 37064.

10. The Williamson County Board of Education is a local body politic comprised of elected board members created to perform certain, specified governmental functions related to the education of children within the school district and has only such powers and authority as expressly conferred on it by the Tennessee State Legislature at Tenn. Code Ann. § 49-2-203.

11. Defendant Dave Allen, is sued in his official capacity as Assistant Superintendent of Teaching, Learning and Assessment, and may be served with process 1320 W. Main Street, Franklin, Tennessee 37064.

12. Defendant, Penny Schwinn, is sued in her official capacity as Commissioner of Education, and may be served with process at 710 James Robertson Parkway, Nashville, TN, 37243.

IV. STATUTORY ENACTMENTS IN TENNESSEE GOVERNING ADOPTION OF CURRICULA BY LOCAL SCHOOL BOARDS

13. In Tenn. Code Ann. § 49-6-2201 *et seq.*, the Tennessee General Assembly established the Tennessee Textbook and Instructional Materials Quality Commission, and provided certain statutory criteria for the Commission in the recommendation and approval of school textbooks.

14. Pursuant to this statutory criteria, the Commission recommends to the Tennessee Board of Education which textbooks and instructional materials may be added to an approved list. Tenn. Code Ann. § 49-6-2202(b)(1).

15. Specifically, the Commission “shall not approve a textbook or instructional materials for adoption by Local Education Agencies (LEA) unless the textbook or instructional materials: (i) conform to the standards for its subject area or grade level; (ii) are free of any clear, substantive, factual, or grammatical error; and (iii) comply with and reflect the values expressed in § 49-6-1028(b), if the textbook or instructional materials are being considered for adoption as a textbook or instructional materials for education of students in general studies and specifically in United States history and this nation’s republican form of government.” Tenn. Code Ann. § 49-6-2201(h)(9)(A).

16. The Commission, with support from the Department, recruits and appoints an advisory panel to perform a thorough review of materials and make recommendations to the Commission. Tenn. Code Ann. § 49-6-2201(1)(2)(a)(i).

17. This advisory panel review is supposed to then follow a two-step process, with an initial review followed by a re-review.

18. Following initial review, publishers are given an opportunity to respond to and remedy any concerns raised by the advisory panel.

19. In re-review, the advisory panel determines whether the concerns raised upon initial review have been adequately addressed.

20. Following the re-review process, the Commission recommends to the State Board of Education which textbooks and instructional materials should be added to the adoption list. Tenn. Code Ann. § 49-6-2202(b)(1).

21. The State Board of Education then approves or rejects the Commission's recommendations. Tenn. Code Ann. § 49-6-2202(d).

22. It is unlawful in Tennessee for any teacher or principal in any of the public schools in the State to use or permit to be used any textbooks or instructional materials unless the textbooks/instructional materials are on the list. Tenn. Code Ann. §49-6-2206.

23. This entire process is known as the "adoption" process for textbooks and instructional materials, as school districts may only "adopt" textbooks/materials for use if they are on the State's list.

V. FACTS

The 2019-2020 English Language Arts Adoption Process at the State Level

24. Between September 2019 and June 2020, the Commissioner of the Defendant Penny Schwinn Commissioner of Education, participated in a textbook adoption process cycle for the State of Tennessee.¹

25. Commissioner Schwinn scheduled reviewers to review the proposed textbooks, publisher responses to reviewer feedback, re-review, and an appeal process.²

26. Commissioner Schwinn then unilaterally altered this textbook adoption schedule before the review process had been completed.

27. In order to restore certain book vendors to the list who failed to meet the criteria, Commissioner Schwinn short circuited the process by changing the rules.

¹ A comprehensive discussion of this adoption process may be found in Tennessee Textbook and Instructional Materials Adoption Schedule, Section, E-ELA, available at <https://www.tn.gov/education/textbook-services/textbook-adoption-process.html>

² *See id.*

28. As a consequence of Commissioners Schwinn's actions, over the course of the summer of 2019, the Department of Education reported that all school districts could now adopt and implement materials that were off the approved list.

29. Dr. Lisa Coons, the Department of Education's new Assistant Commissioner for Standards and Materials under Penny Schwinn, was tasked with enforcing Schwinn's new schedule.

30. The Plaintiffs allege that the purpose of the re-review process is to assure that materials which are listed by the Commissioner as "approved" meet the required state standards.

31. In order to further circumvent this review process, Commissioner Schwinn proposed various changes to the adoption process, as well as the re-review process which directly impacted all of the textbook publishers competing for the list of approved curriculum within Tennessee school districts.

32. In some instances, the Department improperly gave passing grades to competing programs that the re-reviewers had assigned failing grades.

33. This conduct by the Department undermined the independence of the re-reviewers, the objective fairness of the process, and the equal treatment of publishers participating in the adoption process.

34. Historically, in order to assure consistency in the review process, the Department of Education has used the same reviewers to perform both the initial review and the re-review.

35. Two days before the re-review submissions were due, Dr. Lisa Coons, acting on the instruction of her superior, Commissioner Schwinn, sent an email dated August 14, 2019, to the publishers stating: "As I have transitioned into this role this week, we have had several shifts in the ELA textbook adoption oversight. With these transitions, we have determined that we have a

few more steps to accomplish before we can fully launch the re-review process. For that reason, we will be delaying this process for a few weeks.”

36. The Department’s suspension of the re-review was unlawful because the Commission had formally adopted the ELA Adoption timetable, and the Department lacked legal authority to alter or depart from the established timetable.

37. Shortly thereafter, the Department proposed changes in the adoption process were never publicly disclosed, including changes to the evaluation process. The Textbook Commission declined to implement these secret changes, but it did accede to the Department’s request to change the re-reviewer assignments and training.

38. Following the delay in the re-review process, when the process resumed, the Department substituted a new team of re-reviewers in place of the first-round reviewers.

39. In addition, historically, reviewers and re-reviewers act independently of one another and of influences from any other source. This allows for an objective and independent review.

40. Specifically, Tennessee Law requires that “advisory panelists shall individually make their recommendations and shall not be convened except upon the call of the chair of the commission.” Tenn. Code Ann. § 49-6-2201(1)(3).

41. The Department and Commission abandoned this historical practice. Instead, the reviewers were in the same room together, and were personally supervised by Dr. Coons during the re-review process.

42. In a further unprecedented step, Dr. Coons promoted, as an approved curriculum, certain materials known as the Core Knowledge Language Arts (“CKLA”), previously known as the Common Core Knowledge Language Arts. This program is published by a company known as Amplify.

43. Despite receiving a “failing” grade at nearly all grade levels and under multiple sections of the evaluation process upon initial review, Amplify was nonetheless added to the recommended list by the Department to the Commission, and ultimately adopted by the State Board of Education.

44. This manipulation of the re-review process by the Defendant Schwinn allowed preferential treatment for Amplify over other publishers. For example, the Department’s review of the Amplify Core Knowledge Language Arts (“CKLA”) used the same re-reviewer as the original review team. In addition, Commissioner Schwinn hand-picked as one of the re-reviewers an individual who had earlier given a glowing review of the CKLA curriculum.

45. In at least two cases, the Department, under the leadership of Penny Schwinn, substituted its judgment over that of the initial reviewers and the re-reviewers who had determined these curricula failed.

46. For example, the learning program called “Open Up Resources EL Education” received a failing grade with regard to materials designed for grades 3, 4 and 5. But despite this failure, the Department gave the program a passing grade.

47. Similarly, the program called Great Minds’ Wit & Wisdom received a failing grade for grades K-2. On re-review, this program again failed based on the same multiple deficiencies as before as these same three grade levels.

48. Despite these findings, the Department nonetheless gave the Wit & Wisdom program a passing grade.

49. These approvals of otherwise failed programs violated state standards.

50. In attempt to cure this deficiency regarding the failure of Wit & Wisdom, and EL Education, the Department advised the publishers of those programs: “As you work with districts

during their local adoption processes, we recommend that you encourage them to find supplemental materials that focus on foundational skills support to pair with your materials.”

51. In effect, the Tennessee Department of Education became its own publisher in order to create a “free” phonics curriculum as a means of propping up a failed curriculum.

52. The reason that the Department recommended that school districts considering these programs seek supplemental materials is because these programs do indeed lack the educational content that the state law criteria was designed to measure. If Wit & Wisdom had actually earned a passing grade, then such supplemental materials would not be necessary.

53. Additionally, Commissioner Schwinn, granted a total of thirty-three waivers to school systems, like Williamson County, as a financial incentive to adopt at no cost the Wit & Wisdom; program. This waiver equated to a potential saving for Williamson County Schools particular, of approximately \$565,989.

Senate Bill No. 630 the aftermath of the TDOE Commissioner’s Overreach

54. After the Tennessee State Assembly became aware of the TDOE Commissioner Penny Schwinn’s overreach, it stripped her of waiver authority and voting privileges, and they took further steps to address the 74 total waivers issued across Tennessee’s 95 counties.

55. On May 18, 2021, the Governor signed into law Senate Bill 630, amending Tenn. Code Ann. § 49-6-2206, relative to textbooks:

(c) Notwithstanding subsection (a), all English language arts textbooks and instructional materials must be aligned to Tennessee’s academic standards no later than January 1, 2023.

56. The waiver for Wit & Wisdom will expire in January of 2023, prior to the end of the adoption cycle.

The Williamson County Board of Education’s Adoption of Wit & Wisdom

57. Defendant Golden has claimed that Wit & Wisdom was chosen through a “thoughtful process.” However, the adoption process took place only 105 days between the formation of the textbook adoption committee and the Commission’s ultimate recommendation for curriculum adoption.

58. On November 16, 2019, the official list of textbooks for English Language Arts was presented to the WCBOE and published on the TDOE website.

59. The WCBOE requested samples of texts from the Tennessee Book Company³ on November 16, 2019. According to Tennessee State Board of Education policy, WCBOE is allowed six (6) copies of each text resource being considered for adoption. Per this policy, one copy is to be housed at the district Professional Development Center (“PD Center”) for staff and public review. The remaining five (5) copies are to be housed at selected schools through the school district for teacher review. WCBOE requested electronic access for all resources under consideration for all reviewing teachers, parent members of the adoption committee, and all WCBOE Board members.

60. The Textbook adoption committee consists of 28 teachers and 26 parents who were on November 18, 2019.

61. On December 9, 2019, WCBOE published their public textbook review dates which included: January 15, 21, 30 and February 3 and 6, 2020.

62. These public textbook reviews were all held at the Professional Development Center, located at 1761 W. Main Street, Franklin, TN.

³ The Tennessee Book Company (“TBC”) is a privately held company owned by Ingram Industries. TBC is the distributor for many educational publishers, and they sell only to state-certified boards of education, individual public schools, etc. <https://www.tennesseebook.com>

63. However, these published review dates did not include a review of the educational program Wit & Wisdom.

64. Between December 2019 and January 2020, WCBOE received sample curriculum from the educational programs “CKLA/Amplify”, “Open Up Resources/EL Education” and “McGraw Hill/Wonders”. However, during this time frame WCBOE did not receive samples from Great Minds/Wit & Wisdom.

65. During the period between December 2019 and February 28, 2020, the Instructional Technology department of the WCBOE was supposed to review all electronic materials to ensure compliance with all federal, state, and local requirements.

66. Wit & Wisdom’s online portion, “InSync ” was not available to the WCBOE to review until October 2020. This means that WCBOE’s Instructional Technology department was never given an opportunity to vet InSync during the requisite time period.

67. During the period between January 10 and February 28, 2020, WCBOE faculty and staff review of textbooks and materials occurred at various designated school sites. School board members were also invited to review textbook materials.

68. During this same time period, behind the scenes, a waiver was already being written for Wit & Wisdom.

69. January 10, 2020 was the final deadline for all samples to be delivered by the Tennessee Book Company to the WCBOE.

70. The deadline for waiver submissions to the Tennessee Department of Education was January 15, 2020, however, this deadline was extended by the Department of Education in order to accommodate adoption of the Wit & Wisdom program.

71. It was not until February 13, 2020, that the WCBOE applied for a waiver for Wit & Wisdom. On February 13, 2020, WCBOE Director of Curriculum, Jenny Lopez, sent an email to the textbook review committee parents notifying them of this fourth possible curriculum, “Wit & Wisdom.” This was the first time Wit & Wisdom was mentioned to the review committee. According to the mandatory time line, this late action by Director Lopez left only eleven (11) working days to review Wit & Wisdom.

72. In her email on February 13, 2020, Director Lopez, stated that “Wit and Wisdom” by Great Minds was a resource that had not contemplated adopting because it was not approved by TDOE for grades K-2. “With new information from TDOE regarding waivers, we now feel confident that the state will approve a waiver for districts to use Wit and Wisdom in grades K-2.”

73. As late as February 17, 2020, on Teacher Professional Development Day, the Wit & Wisdom material were provided to teachers for their review for the first time.

74. Between February 18-28, 2020, teachers were able to cast their votes electronically via Google Forms, as well as their feedback regarding the “Wit and Wisdom” materials; parents on the committee were able to cast their votes and give feedback via a hard copy paper format.

75. On February 21, 2020, the Tennessee Department of Education approved the waiver for WCBOE to use Wit & Wisdom.

76. On February 26, 2020, the WCBOE held an additional public review day, which did include Wit & Wisdom, but did not include any of the anchor texts.

77. Through February 28, 2020, teachers were invited to make recommendations on the resource of preference using a Google form.

78. February 28, 2020, was supposed to be the last official voting day for the curriculum; however, it was not until March 2, 2020, that the WCBOE Textbook Review committee recommended the adoption of Wit & Wisdom, without ever reviewing the anchor texts.

79. Despite the deficiencies in the review and approval process, on March 30th, 2020, WCBOE Board voted 12-0 to adopt Wit & Wisdom.

80. Typically, once the WCBOE Board approves the recommendation of the textbook adoption committee, it contacts the Tennessee Book Company (“TBC”) and requests a quote for the six (6) years of the adoption; and then a one lump sum payment is paid to TBC.

81. Purchases of the instructional materials are made directly through TBC, not the publisher.

82. WCBOE has claimed that as the most cited reason for voting for Wit & Wisdom that: “It was ‘highly recommended’ by EdReports.org.”

83. EdReports.org is a nonprofit that offers free reviews of instructional materials to determine alignment with Common Core State Standards (CCSS).⁴

84. The WCBOE adopted Wit & Wisdom without reviewing InSync, the online portion of the curriculum. On June 29, 2020, it had not been created yet, and the representative from Wit & Wisdom was still unable to send WCBOE a demo version of InSync. This lack of review means this portion of the Wit & Wisdom program was unapproved for use.

85. According to the Rules of Tennessee Department of Education State Textbook Commission,⁵ Condition Of Sample Textbooks and Instructional Materials: “A publisher shall not submit draft copies of textbooks, instructional materials or other supplemental materials. All

⁴ EdReports Reviews Find Some ELA Textbooks Better Meet Criteria for Alignment to the Common Core State Standards Than Others, August 30, 2016, <https://www.edreports.org/resources/article/edreports-reviews-find-some-ela-textbooks-better-meet-criteria-for-alignment-to-the-common-core-state-standards-than-others>

⁵ Authority: Tenn. Code Ann.. § 49-6-2203(a).

textbooks, instructional materials and accompanying manuals, workbooks and other supplemental materials shall be submitted in finished form at the date set by the Commission, but no later than the start of the review period. If a complete copy of any textbooks, instructional materials or any of their supplemental materials is not filed prior to the date specified by the Commission, then the textbook or instructional materials shall not be considered for adoption...

86. “Finished form,” as used in this TDOE rule is defined as “the final form of the book or instructional material that would be distributed to public schools, if purchased.” Textbooks and instructional materials must meet the minimum manufacturing standards and specifications for textbooks and instructional materials set by the commission in order to be considered in “finished form”. Textbooks and instructional materials in beta version, and/or with missing pictures, charts, graphs, or other content will not be considered to be in “finished form.” No gallery proofs or page proofs may be submitted for review.

87. Teachers did not have any Professional Development training for InSync until approximately October 12, 2020, long after the curriculum was adopted and already implemented.

Williamson County School Board Policy 4.403

88. Under School Board Policy 4.403, instructional materials selected for and used in the schools must be chosen in accordance with the following criteria:

1. Instructional materials shall be chosen for values of interest and enlightenment of all students in the community. Instructional materials shall not be excluded because of the race, nationality, political or religious views of the writer or of its style and language.
2. Every effort will be made to provide materials that present many points of view concerning the problems and issues of our times – international, national, and local. Instructional materials of sound factual authority shall not be proscribed or removed from library shelves or classrooms because of partisan or doctrinal approval/disapproval.

3. Censorship of instructional materials will be discouraged in order to maintain the school's responsibility to provide information and enlightenment.

89. School Board Policy 4.403 further provides, in furtherance of the third criteria above, that the WCBOE must adopt a mechanism to deal with complaints about or censorship or instructional materials:

1. That the final decision concerning controversial instructional materials shall rest with the Board of Education after careful examination and discussion of the instructional materials with school faculties or anyone else the Board of Education wishes to involve;

2. That no parent, group of parents, or non-school group has the right to determine the instructional materials for students other than their own children;

3. The Board of Education does, however, recognize the right of an individual parent to request that his child not have to use a given instructional material, provided a written request is made to the Principal;

4. Any parent or other citizen who wishes to request review or reconsideration of the use of any instructional material in the school must make such a request in writing through the Principal of the school where the material is used.

90. School Board Policy 4.403 states that complainants who bypass the review/reconsideration procedure and who initially seek action from the Board of Education or Superintendent of Schools shall be informed of the policy and instructed first to seek solution of their problem with the involved teacher, librarian, or Principal. When a complaint is made the following procedure is to be followed:

1. Provide the complainant with a copy of this policy and make no commitments.

2. Request the complainant to submit a "Request for Reconsideration of Instructional Materials" form.

3. When a complaint is filed, the Principal and teacher will review the validity of the complaint. The complaint will then be processed through the following steps to determine a final resolution.

4. Inform the Superintendent of Schools and other appropriate personnel.

5. Keep challenged materials available for use and review during the reconsideration process.

91. Upon receipt of the completed form, the Principal requests review of the challenged material within fifteen working days by an *ad hoc* materials review committee composed of the following reviewers:

- a. Appropriate Director (who serves as chairperson);
- b. President of the PTA/PTO or other parent organization of the school involved;
- c. Principal of a county school serving the same grade levels as the school in which the material is being challenged.
- d. Board of Education member (to be appointed by the Chairman of the Board);
- e. WCEA representative (to be appointed by WCEA president).

92. The review committee takes the following steps after receiving the challenged materials:

- a. Reads, views, or listens to the material in its entirety.
- b. Checks general acceptance of the material by reading recognized evaluation reviews.
- c. Holds a hearing including complainant and any affected school employee.
- d. Determines the extent to which the material supports the curriculum.
- e. Judges the material for its strengths and values and/or objectionable content.
- f. Presents decision in writing to Principal, to the complainant, to affected school employees, and to the Superintendent of Schools (for information).

93. If the complainant or any affected school employee wishes further action after receiving the decision of the committee, an appeal may be taken to the Board of Education within fifteen (15) working days of the date of committee decision. This appeal should be made in writing to the Superintendent of Schools who shall schedule the matter on the agenda of the next regular meeting of the School Board. If no appeal is filed within the above deadline, the determination of the review committee shall be final.

94. Over thirty-four Williamson County parents from 21 of the total 27 county elementary schools filed a “Request for Reconsideration of Instructional Materials” using Board Policy 4.403 forms.

95. The Defendant WCBOE empaneled a review committee in accordance with WCBOE Policy 4.403.

96. The Chairperson of the review committee was Juli Oyer, who also serves as the Assistant Superintendent of Elementary Schools.

97. Ms. Oyer sent an email on June 23, 2021, in response to the numerous complaints, announcing the makeup of a committee, and that the “reconsideration process...will occur over the next few months.”

98. On July 26, 2021, Ms. Oyer emailed a “Reconsideration Committee Timeline.” The timeline was vague, listing only the “week of” an event (versus an actual date) and repeatedly listed the vague action “discussion with needed resources;” with no further explanation.

99. On information and belief, the Williamson County Department of Teaching, Learning and Assessment (“TLA”), requested to have a representative participate as a reviewer in the review process. However, the TLA has been the governmental agency primarily responsible for the implementation and total enforcement of Wit & Wisdom in WCBOE. Its Superintendent is

Defendant Dave Allen, who was a major proponent of Wit & Wisdom throughout the Board of Education work sessions, despite his admission that there exist serious concerns with the Wit & Wisdom program.

100. The parents who filed the requests challenged a total of 31 of the 115 so-called Wit & Wisdoms “anchor books” under the Board Rule 4.403 review process.

101. Absent an understanding of the pedagogical method used to present the Wit & Wisdom materials to children in the classroom, it is difficult to fully appreciate the risks associated with this curriculum. Wit & Wisdom is highly scripted, and stops just short of giving the teacher a script to read word for word.

102. In the end, the Defendants agreed to remove only one book from classroom use. Seven books were recommended to be used with instructional adjustments. The “instructional adjustments” included putting a school counselor on notice whenever specific books were to be read to children in the classroom.

Teachers and Wit & Wisdom

103. Defendant Superintendent Golden’s position toward teachers and Wit & Wisdom has been inconsistent and contradictory. On one hand, he has repeatedly stated, “our teachers chose this material” or “teachers preferred this curriculum by a 3:1 margin.” He has insisted that parents should be “trusting teachers to know their students.”

104. Defendant Allen has also reiterated Defendant Golden’s words, stating: “60% of teachers preferred Wit & Wisdom” or “70% of teachers chose Wit & Wisdom”, and that “teachers choose Wit & Wisdom by a 3 to 1 margin.”

105. However, during the adoption process, the Wit & Wisdom anchor texts were never available for teacher review, nor were they available for public review.

106. On February 17, 2020, a professional development day, teachers were provided four curriculum options: 1) CKLA/Amplify, 2) Open Up Resources/ EL Education; 3) Great Minds/Wit & Wisdom, and 4) McGraw-Hill/Wonders. Many teachers repeatedly asked if they would be allowed an academic freedom right to amend content, and they were told by WCBOE that the district would make those decisions.

107. Ultimately, when teachers questioned why the Wit & Wisdom program was up for consideration, they were told that it was state approved and had high scores. These representations were deceptively false; instead, the program was waived in and did not pass state standards.

108. Several WCS teachers could see that Wit & Wisdom did not align with the standards for science and social studies, and asked if it would be beneficial in the long run; they were told that it would because it was “building background knowledge.”

109. Upon information and belief, even the WCBOE received emails with attached articles regarding parental concerns about Wit & Wisdom prior to the February 17, 2020, but the Defendant dismissed these as “overblown”.

110. As early as February of 2020, several teachers began voicing their concerns over the age-inappropriateness of the Wit & Wisdom curriculum.

111. For example, teachers asked if they were able to replace a book that described in morbid detail the death of a dog which they found age inappropriate.

112. The administrator told the teachers that they had read articles expressing concern over Hatchet, but said the teachers’ concerns were “overblown”, simply dismissing the teachers concern. But that WCBOE would examine the texts carefully prior to having teachers use them.

113. WCS schools did not receive the anchor texts until August 3, 2020, their first day back in school and only four days prior to students' first day of school.

114. When teachers finally received the anchor texts from Wit & Wisdom, many were alarmed.

115. Several WCS teachers have voiced serious concern that many of the topics in Wit & Wisdom are not age appropriate, that the pacing of the material was too fast and that the introduction does not follow the teaching methods to be practiced.

116. On approximately October 19, 2020, two Fourth Grade Heritage Elementary teachers emailed their principal stating that they were very “disturbed” by a video in Wit & Wisdom that accompanied the story “All Summer in a Day”⁶. The Heritage Elementary Principal forwarded the concerns to Brent Oakly, Executive Director of Elementary Schools for WCBOE. Mr. Oakly seemed to have understood the concerns from the teachers and forwarded the issues to Defendant David Allen, who simply brushed off the issues.

117. Upon information and belief, when teachers tried to modify the script or sidestep books or sections of books, they were berated and threatened with discipline by Defendant Allen and/or Ms. Oyer.

118. Many of the same teachers whom Defendant Golden described as those who “know best” when it comes to children learning, have not been allowed to deviate one iota from a classroom script that regard as upsetting and potentially damaging to children. Instead the administration has instructed teachers to teach the Wit & Wisdom “faithfully and with fidelity”.

119. Upon information and belief, there exists now a culture of fear surrounding voicing the alarm. Teachers who oppose Wit & Wisdom fear for their jobs.

Principals and Wit & Wisdom

⁶ All Summer In A Day Pt. 1, <https://youtu.be/-QWmahMdeGU>

120. As early as April 1, 2020, principals throughout the Williamson County School system began to raise concerns about the Wit & Wisdom curriculum.

121. As an example, one principal raised concerns regarding the TCAP assessments, and how they were supposed to follow Wit & Wisdom “with fidelity” and still properly prepare students for the TCAP. The principal also stated that there should be a transition period for Wit & Wisdom, to truly prepare teachers and students for the drastic shift, analogizing that it was like “building the plane while flying it.”

122. In response to these concerns on April 1, 2020, Defendant Dave Allen never truly addressed the issues, instead, despite the myriad of parent, teacher and principal concerns, he praised the Wit & Wisdom program.

123. It was not until approximately April 23, 2020, that Principals within the WCS system started to receive implantation information regarding the Great Minds curriculum.

124. On October 1, 2020, Juli Oyer sent an email out to all WCS principals addressing, for the first time several of the concerns the WCBOE was getting regarding the Wit & Wisdom curriculum.

125. More specially, WCBOE and Ms. Oyer knew as of October 1, 2020, there were questions and concerns with three of the of the Wit & Wisdom titles: The River Between Us (5th grade, Module 3); Separate is Not Equal: Sylvia Mendez and her Family’s Fight for Desegregation (2nd grade, Module 3); and George v. George: The American Revolution as seen from Both Sides (4th grade, Module 3).

126. Despite many concerns with these modules, Ms. Oyer cautioned principals against replacing these specific texts.

127. Ms. Oyer also forwarded principals propaganda or “talking points” directly from Great Minds, which included:

- Why does Wit & Wisdom include texts with potentially sensitive content?
- Literature offers children a safe way to experience new feelings and complex emotions. Reading stories and empathizing with characters’ successes and challenges provide a foundation for children to learn to consider issues from others’ perspectives.
- The content of [a Wit & Wisdom text] makes some teachers or parents uncomfortable. How should I address their concerns? Wit & Wisdom exposes students to diverse topics. The texts have unique educational value. They build deep content knowledge, engage readers, model strong writing, and provide “mirrors and windows,” allowing students to see themselves reflected in texts as well as learn about others’ experiences. Should concerns arise, it can be helpful to do the following:
 1. Check with the school or district to ensure compliance with any previously established policies and procedures for these kinds of concerns;
 2. Acknowledge that texts may elicit a range of responses;
 3. Provide the rationale (stated in the Texts Overview section) for how Wit & Wisdom teacher-writers selected texts;
 4. Share the specific value of the text in the module, including its role in building skills and knowledge;
 5. Point to places in lessons that support developmentally appropriate student conversations.
 6. Facilitate a positive and productive conversation about the text’s important topics.
 7. Invite parents to read the texts alongside their children. Send home Parent Tip Sheets to support discussion.

128. On February 11, 2021, Principal Amy Stephenson, from Oakview Elementary, wrote Defendant Allen, Karen Wright, Marianne Gilbert, Tracey Edwards, Juli Oyer, Laura

LaChance, Shilynn McRae and Brent Oakly, regarding Wit & Wisdom. She stated in her email that she, “honestly feel[s] like we took a step backwards with PLCs [Professional Learning Community] and ELA when adopting Wit & Wisdom, prescribed daily lessons where the focus is not necessarily on standards, but rather day-to-day lessons that teach the book. I have observed a few Wit & Wisdom lessons where I had to stretch to find the TN state standard.” She went on to state, “you would not teach a lesson or use a resource that is not directly correlated to that grade level’s state standard. The teachers have challenged me (which I do appreciate), that this contradicts the standards first approach to every lesson that I have been preaching at Oak View for the last few years.”

129. Karen Wright responded to Principal Stephenson, and included the whole WCBOE team, including Defendant Dave Allen. In Ms. Wright’s response she tried to explain the discrepancies Principal Stephenson pointed out, explaining that she “‘converted’ the Wit & Wisdom Common Core Standards into the TN standards and used Your Literacy Standards Guide to help with the supporting words.”

Common Core is no longer allowed to be taught in Tennessee.

130. Ms. Wright also explained that she had “reached out to Wit & Wisdom several times asking if they would be ‘translating’ their standards to what we have here in TN. They are not. I tried!”

131. Wit & Wisdom standards do not correspond to the state standards.

Wit & Wisdom: A Common Core Curriculum That Violates State Law

132. Common Core was intended to create nationwide education standards. While touted as a state initiative through the National Governors Association and the Council of Chief State School Officers, the U.S. Department of Education was heavily involved in its development.

Initially, the Department of Education tied the grant of waivers from the No Child Left Behind Act to the adoption of Common Core, using the standards as powerful strings to influence state education policy.

133. The Every Student Succeeds Act, (“ESSA”, Title I, Part A, Sec. 1111), passed by Congress in 2015 prohibited the Department of Education from attempting to “influence, incentivize, or coerce State adoption of the Common Core State Standards...or any other academic standards common to a significant number of States.” ESSA gave more latitude to states and local school districts in determining standards, but the federal government still maintained significant control over state education systems. See 20 U.S.C. §6301, et seq.

134. However, since 2014, Tennessee has taken several steps to move away from the Common Core State Standards.

135. In May of 2014, then Governor Bill Haslam, signed a bill that delayed using a Common Core-aligned standardized testing for a year.

136. In October of 2014, Gov. Haslam initiated his own public review of the standards.

137. And in May of 2015, Gov. Haslam signed a bill to review and replace Common Core State Standards in Tennessee, which required the state’s board of education to create two committees – composed of representatives from both higher education and K-12 schools – that focused on the review of the English and math standards and development of new ones. The committees were required to recommend new standards to be fully implemented by the 2017-2018 school year. See Tenn. Code Ann. §49-1-310 Common Core State Standards review and replacement; memorandum of understanding.

138. Finally, in March of 2021, Governor Bill Lee, signed a bill that banned Common Core textbooks in the state of Tennessee. The bill that was signed into law prohibits the state

textbook and instructional materials quality commission, the state board of education, and public schools in Tennessee from recommending, approving, or using textbooks, supplemental and instructional materials created to align with the common core state standards or that are marketed or identified as Common Core. If districts or teachers intentionally violate the law, they run the risk of having state funding withheld. See Tenn. Code Ann. §49-6-2202(b)(5) and Tenn. Code Ann. §49-6-2206(2)(A) & (B).

139. This law was supposed to close the loophole that allowed Common Core to continue to be used in state classrooms as supplemental materials even though the Legislature repealed Common Core Standards in 2015 and replaced them with Tennessee State Standards in 2017.

140. However, these laws have not stopped the Defendants from approving, implementing, and continuing to utilize Wit & Wisdom, which clearly flaunts, adopts, and promotes Common Core State Standards.

141. The Great Minds Wit & Wisdom Implementation Guide Grades K-8, is replete with Common Core language. This Implementation guide furnishes the “[e]xplanation of the components, philosophy, and resources of the curriculum.”⁷

142. Great Minds states directly in their Wit & Wisdom Implantation Guide: Grades K-8, that they utilize the “Scope and Sequence of Common Core State Standards.”⁸

143. Wit & Wisdom also claims that they “organize the skills of the CCSS [Common Core State Standards] Writing Standards;”⁹ and “speaking and listening standards for each grade.”¹⁰

⁷ *Wit & Wisdom* Implantation Guide: Grades K-8, Great Minds, p. 12.

⁸ *Wit & Wisdom* Implantation Guide: Grades K-8, Great Minds, p. 77.

⁹ *Id.* at p. 59.

¹⁰ *Id.* at p. 62.

144. The Wit & Wisdom Implantation Guide states that it “explicitly addresses all the expectations of the CCSS [‘Common Core State Standards’], with the exception of the Foundational Skills Standards.”¹¹

145. Wit & Wisdom focuses on Common Core standards, but not the Foundational Skills. The lack of foundational skills was the reason a waiver was required from Commissioner Penny Schwinn and the Department of Education.

146. The Implementation Guide explains that “Wit & Wisdom organizes the discrete skills and practices of the Common Core Writing Standards into five categories...”¹²

147. The Implementation Guide explains, again, that “Wit & Wisdom organizes the discrete skills and practices described in the Common Core Speaking and Listening standards into four Craft Features, or purpose-driven categories...”¹³

148. Not only does Wit & Wisdom Great Minds mention Common Core in the Implementation Guide for Teachers, but it also mentions and gives “proper acknowledgement” to Common Core State Standards in various teacher manuals:

¹¹ Id. at p. 77.

¹² Id. at p. 81.

¹³ Id. at p. 81.

The image shows a digital learning interface. On the left is a dark sidebar menu for 'Grade 5 Module 1: Cultures in Conflict (Trial)'. It includes a search bar with 'common core' and a list of lessons (33, 34, 35) and module resources (Appendices A, B, C, and sample responses). The main content area is titled 'Appendix E: Works Cited' and features a large 'Credits' heading. Below the heading is a paragraph of text and a bulleted list of acknowledgments.

Appendix E: Works Cited

Credits

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Grade 5 Module 4: Breaking Barriers (Final)

common core

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- Lesson 31 31
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What is the story of the year?

- Lesson 36 36

Lesson 36 Overview

- Welcome/Launch
- Learn - Prepare for a Socratic Seminar
- Learn - Engage in a Socratic Seminar
- Learn - Reflect on Knowledge Built
- Land/Wrap
- Handout 36A: Character's Challenges and Choices

Module Resources

- Appendices
- Instructional Resources

FOCUS QUESTION: LESSON 36
What is the story of the year?

CONTENT FRAMING QUESTION: LESSON 36
Know: How do this year's texts build my knowledge?

SUMMARY
 As Grade 5 students begin the transition to middle school, they will face more complex challenges and choices that will have various impacts on their lives. As a capstone lesson for the year, students reflect on the challenges presented to the people and characters in each module's **core** texts. In a Socratic Seminar, students discuss ways in which those people and characters responded to the challenges—and what their choices reveal about their values. Students then reflect on how these ideas intersect with their own lives. Create a joyful, yet reflective atmosphere for students to revisit all of the year's texts while applying their growing knowledge base to each one.

MATERIALS

- Handout 36A: Character's Challenges and Choices
- Note cards

Lesson 36: At a Glance

Agenda

Welcome (5 min.)

- Reflect on the Year

Launch (5 min.)

Learn (55 min.)

- Prepare for a Socratic Seminar (20 min.)
- Engage in a Socratic Seminar (23 min.)
- Reflect on Knowledge Built (12 min.)

Land (7 min.)

- Share Advice with Future Grade 5 Students

Wrap (3 min.)

- Close the Year

Learning Goals

Reflect on the challenges faced by the characters and people from the module's **core** texts, comparing and contrasting their responses to these challenges; apply knowledge built about challenges, responses, and values to own lives. (RL.5.3, RL.5.9, RI.5.3, RI.5.9, W.5.10, SL.5.1, SL.5.4, SL.5.6)

- ✓ Participate in a Socratic Seminar; complete a Knowledge Journal entry.

Standards Addressed

The Focus and Continuing Standards for this module can be found in the Module Overview. Individual standards link to the appropriate page on the Common Core State Standards website.

- **Reading:** RL.5.1, RL.5.2, RL.5.3, RL.5.9, RI.5.1, RI.5.2, RI.5.3, RI.5.9
- **Writing:** W.5.10
- **Speaking and Listening:** SL.5.1, SL.5.4, SL.5.6

Grade 5 Module 1 & 4 (Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000003).

Learning Goals

Identify how illustrations reveal deeper meaning in *Rap a Tap Tap*. (RI.K.7 [🔗](#))

✓ Answer TDQs about illustrations in the text.

Examine the importance of collaborative conversations. (SL.K.1.b [🔗](#))

✓ Share observations about the importance of conversations.

↓ **STYLE AND CONVENTIONS DEEP DIVE**

Draw and label one thing you learned from the illustrations. (W.K.2 [🔗](#), L.K.2.c [🔗](#), L.K.2.d [🔗](#))

✓ Complete a Response Journal entry.

Standards Addressed

The Focus and Continuing Standards for this module can be found in the [Module Overview](#). Individual standards link to the appropriate page on the [Common Core State Standards website](#).

- **Reading:** [RI.K.4](#) [🔗](#), [RI.K.7](#) [🔗](#)
- **Speaking and Listening:** [SL.K.1](#) [🔗](#), [SL.K.2](#) [🔗](#)
- **Language:** ↓ [W.K.2](#) [🔗](#), [L.K.2.c](#) [🔗](#), [L.K.2.d](#) [🔗](#)

Kindergarten Module 1 Lesson 25 (Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000004).

Learn

Examine Points in Informative Writing

WHOLE GROUP

Display the Craft Question:

Why is choosing points important?

Teacher Note

In this arc, students begin using the term *point* to describe evidence within their writing. Common Core State Standard W.2.2 calls for students to “use facts and definitions to develop points” in their informative writing. While all points come from some type of evidence, *point* refers to an intentionally selected group of evidence. That group might just contain a single piece of evidence, or it may include multiple pieces. In this arc of lessons, students learn to choose points that support their topic statement. (For example, the point “Horses helped Plains Indians hunt buffalo” supports the topic statement “The Plains Indians used animals to help them survive.”) In the next arc, they will include detailed evidence to clearly explain each point. (For example, students could explain the point “Horses helped Plains Indians hunt buffalo” by adding the details “Horses could run fast and follow buffalo that ran away.”) In preparation for this module’s Focusing Question Task 6 and the EOM Task, they will cite evidence from multiple texts to explain each point in a comparison paragraph. (For example, students could develop the point that different actions caused drought in *The Buffalo Are Back* and *The Legend of the Bluebonnet* with the evidence, “In *The Buffalo Are Back*, settlers caused the drought by killing the buffalo and grass. In the legend, the Great Spirits sent a drought because the Comanche People were acting selfish.”) In later modules, students will learn to elaborate on the evidence within a point, adding their own analysis of textual evidence. In Grade 3, students’ points will develop into supporting paragraphs that develop the thesis of an essay.

Let students know that the work they will be doing today to improve their informative writing is hard work but that they are up to the challenge! Today’s task is to think hard about choosing the points, or important evidence, to support a topic statement.

Ask students to consider this scenario: They have a brand new bike. They are writing to a grandparent to tell about the new bike.

Ask:

“Which of the following details about the bike would be the most important points to share?”

- The bike came in a box.
- The bike is red with black stripes.
- The bike has black tires.
- The bike has a sign that says, “Safety first. Wear a helmet.”
- The bike has gears and hand breaks.
- The gears and hand breaks! I would want them to know I had a big kid bike with gears.
- The box isn’t important. Lots of new things come in boxes.
- Almost all bikes have black tires. I would want them to know about the color of the bike.

Share that choosing points for an informational paragraph is a similar process. There are many points that can be shared, but a writer has to choose the most important ones to include.

Explain that students will examine two different plans for a paragraph about the section, “Who Are the Indians of the Great Plains?”

Display the following information

Second Grade Module 2 Lesson 7(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000006).

Learning Goals

Collaboratively draft an informative paragraph comparing droughts in *The Buffalo Are Back* and *The Legend of the Bluebonnet*. (RL.2.2 [🔗](#), RI.2.2 [🔗](#), W.2.2 [🔗](#), W.2.8 [🔗](#))

- ✓ Share or jot ideas for parts of a paragraph in Shared Writing.

Standards Addressed

The Focus and Continuing Standards for this module can be found in the [Module Overview](#). Individual standards link to the appropriate page on the **Common Core** State Standards website.

- **Reading:** [RL.2.1](#) [🔗](#), [RL.2.2](#) [🔗](#), [RI.2.1](#) [🔗](#), [RI.2.2](#) [🔗](#)
- **Writing:** [W.2.2](#) [🔗](#), [W.2.8](#) [🔗](#)
- **Speaking and Listening:** [SL.2.1](#) [🔗](#), [SL.2.6](#) [🔗](#)
- **Language:** [L.2.1.f](#) [🔗](#)

Second Grade Module 2 Lesson 33 (Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000007).

149. **The Wit & Wisdom Curriculum violates Tenn. Code Ann. §49-6-2202(b)(5), as it is created to align exclusively with the Common Core State Standards, marketed as such, and identified as Common Core materials.**

150. Under Tenn. Code Ann. §49-6-2206(b)(2)(A) & (B), Restrictions on teachers or principals that includes teaching Common Core Standards:

(2)(A) A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(B) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates subdivision (b)(1) by purposefully using, or permitting to be used, in the person's school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

151. WCBOE, under its continued usage of Wit & Wisdom, has forced Williamson County teachers and principals to violate state law and teach common core standards to children in the Williamson County school system.

A Description of Wit & Wisdom by Great Minds

152. Wit & Wisdom is a curriculum created and published by Great Minds.

153. On its website, Great Minds states that it was founded in 2008; however, Great Minds, the non-profit organization was not officially founded until 2015. The entity that was founded in 2008 was originally called Common Core, Inc.

154. In the summer of 2008, Common Core Inc., the parent company for Great Minds, approached Bill Gates to fund its common core state standards initiative. Common Core Inc. began with \$285,200 in contributions and grants.

155. By 2014, revenue for Common Core Inc. rose to an astonishing \$16.5 million dollars.

156. In 2015, the Common Core State Standards were eliminated in Tennessee.

157. In 2015, Barbara Byrd, the standing board chairman of Common Core Inc. since 2008, pleaded guilty to receiving kickbacks and bribes.

158. In 2015, Common Core, Inc. officially changed its name to Great Minds and was racking in \$20 million dollars a year.

159. In 2016, Great Minds created Great Minds LLC, in addition to the Great Minds non-profit organization.

160. Wit & Wisdom failed Tennessee State Curriculum adoption three times before it was altered enough to meet the Tennessee Curriculum standards for a waiver.

161. After the third failing round, upon information and belief, Commissioner Penny Schwinn contacted John Hopkins University in an attempt to try and garner support for Wit & Wisdom.

162. While Wit & Wisdom was eventually approved by waiver, it is technically only considered “supplementary material”; however, it is being deceptively implemented and taught in Williamson County schools as a curriculum for Tier 1 instruction.

163. Great Minds also produces standardized and non-standardized tests based on Common Core Standards; which again, Tennessee has banned the use of Common Core in public schools.

Wit & Wisdom teaches Social Emotional Learning (“Critical Race Theory”)

164. The Great Minds Wit & Wisdom Social Emotional Learning (SEL) framework is guided by, and directly adopted from an educational resource known as “The Collaborative for Academic, Social, and Emotional Learning (CASEL), which uses “Social Emotional Learning” (a euphemism for “Critical Race Theory”), which has as its admitted goal, to train vulnerable students to become social justice activists.

165. CASEL advocates that “[s]ocial and emotional learning (SEL) has the potential to help mitigate the interrelated legacies of racial and class oppression in the U.S. and globally.”¹⁴

166. CASEL’s framework explains that “SEL refers to a process through which children and adults acquire and effectively apply the knowledge, attitudes and skills necessary to understand and manage emotions; set and achieve positive goals; feel and show empathy for others; establish and maintain positive relationships; and make responsible decisions.”¹⁵

¹⁴ [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 1, by Rober J. Jagers, CASEL; Deborah Rivas- Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

¹⁵ Id. p.2

167. CASEL’s stated core philosophy is that:

Racial/ethnic and class issues continue to vex American society. Cultural analysis suggests that issues of racism derive largely from an over-emphasis on the accumulation of wealth within American Culture. Historically, this cultural value prompted some to exploit others for personal advancement. White elites promulgated racialized and cultural stereotypes to recruit poor and working Whites into a hierarchical economic system that exploited them, but also empowered them to oppress and further exploit people of color. Meanwhile, these stereotypes inculcated within people of color a sense of dehumanization and willingness to accept marginalized status.¹⁶

168. CASEL’s principles and framework, which lie at the core of Wit & Wisdom’s curricular platform, violates Tenn. Code Ann.. §49-6-1019.

169. Great Minds has adopted CASEL’s framework for SEL and explains how it did so in a document called, *The CASEL Framework in Action: How Wit & Wisdom Integrates Social, Emotional and Academic Learning*, by Elizabeth Bailey, Hailey Basiouny, Nora Graham, Melissa Thompson, and Margaret Wilson. The thirty-one (31) page document discusses how Wit & Wisdom utilizes Social Emotional Learning (SEL) within their English Language Arts Instruction.

170. Wit & Wisdom claims to “foster development of the five social-emotional competencies identified by the Collaborative for Academic, Social, and Emotional Learning”¹⁷ (CASEL). Here is “How Wit & Wisdom Builds SEL”¹⁸:

¹⁶ Id. p.3

¹⁷ *The CASEL Framework in Action: How Wit & Wisdom Integrates Social, Emotional and Academic Learning*, by Elizabeth Bailey, Hailey Basiouny, Nora Graham, Melissa Thompson, and Margaret Wilson, p.1.

¹⁸ Id. p. 3

Overview: How *Wit & Wisdom* Builds SEL

Self-Awareness

Students learn to accurately recognize their emotions, thoughts, and values and how they influence behavior and to accurately assess their strengths and limitations, with a well-grounded sense of confidence, optimism, and a "growth mindset" by

- examining topics and texts that build self-knowledge,
- engaging in productive struggle through rigorous but supported academic work, and
- learning to accurately evaluate their own academic performance.

Social Awareness

Students learn to take the perspective of and empathize with others, including those from diverse backgrounds and cultures; to understand social and ethical norms for behavior; and to recognize family, school, and community resources and supports by

- examining topics and texts in which real and fictional people from diverse backgrounds and cultures respond to opportunities and challenges and
- collaborating with classmates on meaningful and authentic tasks.



Self-Management

Students work on successfully regulating their emotions, thoughts, and behaviors in different situations—effectively managing stress, controlling impulses, and motivating themselves, as well as setting and working toward personal and academic goals, by

- developing habits of mind that they can use in both academic and work settings,
- making authentic choices about what or how to learn, and
- learning to value curiosity and inquiry.

Responsible Decision-Making

Students learn to make constructive choices about personal behavior and social interactions based on ethical standards, safety concerns, and social norms; to realistically evaluate the consequences of various actions; and to consider their well-being and that of others by

- examining topics and texts in which real or fictional characters face challenging decisions,
- participating in Socratic Seminars, and
- learning to value evidence and logical reasoning.

Relationship Skills

Students learn to establish and maintain healthy and rewarding relationships with diverse individuals and groups; communicate clearly, listen well, cooperate with others, resist inappropriate social pressure, negotiate conflict constructively, and seek and offer help when needed through

- explicit speaking and listening instruction,
- authentic opportunities to practice speaking and listening, and
- collaboration with classmates on meaningful and authentic tasks.

(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000008).

171. The document goes into great detail for each grade level in “[h]ow SEL integration looks in action” and specifically promotes social awareness.

172. Great Minds and *Wit & Wisdom* adopted this pie chart directly from CASEL¹⁹:

¹⁹ [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringSEL.caseli.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 3, by Rober J. Jagers, CASEL; Deborah Rivas-Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringSEL.caseli.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

The CASEL 5 competencies through an equity lens



The CASEL 5 SEL competencies (figure 1) of self-awareness, self-management, social awareness, relationship skills, and responsible decision-making represent large categories for organizing a range of intra- and interpersonal knowledge, skills, and abilities⁸. We view these competencies as interrelated, synergistic, and integral to the growth and development of justice-oriented, global citizens. Below, we consider each competency through an equity lens—what we refer to as “equity elaborations.”

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000009).

173. A deeper dive into the CASEL five competencies, which Great Minds and Wit & Wisdom has adopted, reveals a program that includes extreme and divisive language, replete with discussions of race, micro-aggression and emphasis based on the color of one’s skin.

174. Under CASEL’s “self-awareness” competency: “Self-awareness encompasses individual psychological characteristics such as labeling one’s feelings, relating feelings and thoughts to behavior, accurate self-assessment of strengths and challenges, self-efficacy, and optimism.”

175. CASEL’s “potential concern” under the “self-awareness” competency is that: “U.S. cultural norms promote materialism or acquisitive individualism, an orientation associated with health problems and unethical behavior. These norms are even more problematic when wealth and “Whiteness” are conflated and uncritically accepted as indicators of success. This fosters a sense of White racial entitlement and dominance, as well as negative biases and stereotypes about people of color and those from low-income backgrounds.” (emphasis added).

176. CASEL’s view is that “potential opportunities” for “self-awareness” includes: Self-awareness is foundational for equity. The sense of self for all young people includes, for example, cultural values and orientations and collective identities (*e.g.*, ethnic-racial group, socioeconomic status, and gender). Other cultural orientations or values provide an alternative sense of self/other

and are an important asset to some ethnic and racial groups, including Latino, Asian American, and African American youth. For example, a communal orientation toward one's family, ethnic/racial group, or community reduces psychological distress and risky behaviors and promotes a range of positive socioemotional outcomes, including school engagement and prosocial helping behaviors."²⁰

177. Under CASEL's "self-management" competency: "Self-management includes regulating one's emotions, stress management, self-control, self-motivation, and setting and achieving goals."

178. CASEL's "potential concerns" are: schools, like most other U.S. social institutions, tend to prioritize prevailing middle-class, American culture. Student access requires acculturation, or at least a familiarity with American core cultural meanings, norms and practices. For-low income youth and immigrant youth, this can induce acculturative stress, which occurs when youth encounter a cultural mismatch between the expectations and norms of their host (e.g., U.S.) and their home (heritage). Such stress has been associated with a number of mental health problems and maladaptive behaviors among diverse U.S. and immigrant-origin youth. Discrimination experiences are related but distinct from acculturative stress. Discrimination refers to the perception of unfair treatment or the subordination of an identifiable social group. Racial/ethnic discrimination has a number of interpersonal and institutional manifestations and is a common experience for people of color. Experiencing discrimination is associated with a host of negative socioemotional health concerns. Importantly, reactionary and self-defeating responses to cultural

²⁰ [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 3, by Rober J. Jagers, CASEL; Deborah Rivas-Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

and racialized stress and micro-aggressions often result in punishment of students of color.” (emphasis added).

179. CASEL views “potential opportunities” for the “self-management competency” as follows: “The current U.S. educational context requires youth of color and other marginalized groups to cope with acculturative stress and ethnic/racial and class-based discrimination. The cultural and ERI aspects of self-awareness discussed above could provide more adaptive coping strategies by enabling youth to see acculturative pressures and discrimination as reflections of social ills rather than as personal affronts. Instead of becoming emotion-focused and disengaged, students could become more focused on identifying situational or societal challenges and pursuing individual and collective solutions.”²¹

180. CASEL’s “Social Awareness” competency, states that: “Social awareness connotes perspective-taking; empathy; respecting diversity; understanding social and ethical norms of behavior; and recognizing family, school, and community support.”

181. CASEL’s “potential concerns” for the social awareness competency is that: “students from diverse racial/ethnic and socioeconomic backgrounds are often placed at risk by the dominant culture of schools. This can lead to stress, alienation, and disengagement, which undermine school success. Additionally, U.S. and global diversity is growing, leading to greater interaction among people from various racial/ethnic and socioeconomic backgrounds. There tends to be an emphasis on differences rather than commonalities, which limits the possibilities for devising mutually satisfactory and constructive social arrangements.”

²¹ [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 5, by Rober J. Jagers, CASEL; Deborah Rivas-Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

182. Therefore, CASEL’s framework views “potential opportunities” for “social awareness” as: “A critical social awareness would help young people recognize and distinguish among the potentially competing cultural and race-related messages and expectations. Students would benefit from noticing the importance placed on various types of diversity – both for members of their group and for other distinct groups – in specific classroom, school, and community settings. This includes discerning issues of race and class in each context and the cultural demands and affordances of these settings. Further, students would be able to gauge whether and in what ways they are involved in power relationships and dynamics that disadvantage others. This recognition would enable them to envision ways to co-create a safe and constructive learning environment.”²²

183. “Relationship skills” under the CASEL framework states that: “relationship skills connote building relationships with diverse individuals and groups, communicating clearly, working cooperatively, resolving conflicts, and seeking help.”

184. CASEL’s framework see’s “potential concern” where: “Issues surrounding relationship skills can result from mismatches in self-awareness, self-management, and social awareness. Because of differences in the understanding of norms, social roles (e.g., age, gender), and related rules about emotional displays, students and adults can misinterpret each other’s attempts to cooperate, share, and engage in collaborative problem-solving. This can cause student-student and student-teacher disagreements to escalate into entrenched conflicts and lead to an overemphasis on compliance rather than growth and fairness as guiding principles in resolving conflicts.”

²² [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 6-7, by Rober J. Jagers, CASEL; Deborah Rivas- Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

185. CASEL views as “potential opportunities”: Cultural competence and cultural fluency represent important equity focused competencies. Through cultural competence skills, adults can develop a historically grounded, strengths-focused facility with the relational skills that are valued in the students’ culture of origin. Adults can also cultivate cultural fluency, which refers to the capacity to effectively learn about and negotiate cultural differences (e.g. “code-switching”). The development of such fluency requires a sense of cultural humility, in which one recognizes the limitations of one’s own culture and sees diversity as a potential asset.”²³

186. And lastly, CASEL’s framework looks at “Responsible Decision-making” from the viewpoint that: “responsible decision-making refers to considering the well-being of self and others; recognizing one’s responsibility to behave ethically; basing decisions on safety, social, and ethical considerations; evaluating realistic consequences of various actions; and making constructive, safe choices for self, relationships, and school.”

187. According to CASEL, “Racial/ethnic and class inequities are often justified by blaming them either on the person or the group, rather than attending to systemic or structural explanations for differential treatment and outcomes. This can result in interpersonal decisions that reflect and are reflected in institutional (school) policies and practices that reproduce and/or exacerbate existing educational and economic inequities.”

188. CASEL espouses as a laudable educational goal “responsible decision making” which it describes as: “Fostering equity through SEL suggests decision-making that positions students and adults to engage in initiatives and to co-create structures and processes that are inclusive, equitable, and mutually supportive. As examples, students should be invited to build

²³ [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringSEL.caseli.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 7-8, by Rober J. Jagers, CASEL; Deborah Rivas-Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringSEL.caseli.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

community in classroom, school, and neighborhood settings. Nurturing students’ understanding of systemic or structural explanations for differential treatment and outcomes, together with relationship skills, can be done in settings that are group-specific or those that include members of multiple ethnic/racial and socioeconomic groups.”²⁴

189. The CASEL framework, that Great Minds’ Wit & Wisdom have adopted, promotes concepts that are in violation of Tenn. Code Ann. § 49-6-1019.

190. SEL does not assume the presence of licensed counselors or other trained clinicians for its implementation. Rather, CASEL recommends SEL programs offer training to teachers and perhaps designated administrators and have them teach the material and evaluate the results.²⁵

191. Teachers have reported that they spend about eight percent of their time on SEL.²⁶

192. The Tennessee Department of Education utilizes the CASEL Competency Framework.

193. As evidenced in a publication from July 2015, by the Tennessee Department of Education, titled: Incorporating Social and Personal Competencies Into Classroom Instruction and Educator Effectiveness – A toolkit for Tennessee Teachers and Administrators. The Tennessee

²⁴ [Equity & Social and Emotional Learning: A Cultural Analysis](https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf), p. 7-8, by Rober J. Jagers, CASEL; Deborah Rivas-Drake, University of Michigan; Teresa Borowski, University of Illinois at Chicago, November 2018, <https://measuringcel.casel.org/wp-content/uploads/2018/11/Frameworks-Equity.pdf>

²⁵ Pioneer Institute, “Social-Emotional Learning: K-12 Education as New Age Nanny State”, Karen Effrem, M.D. and Jane Robbins, J.D., with a foreword by Kevin Ryan, Ph.D., March 2019, p. 8, White Paper No. 192; CASEL, “Effective Social and Emotional Learning Programs: Middle and High School Edition” (2015), available at <http://secondaryguide.casel.org/casel-secondary-guide.pdf>

²⁶ Pioneer Institute, “Social-Emotional Learning: K-12 Education as New Age Nanny State”, Karen Effrem, M.D. and Jane Robbins, J.D., with a foreword by Kevin Ryan, Ph.D., March 2019, p. 8, White Paper No. 192; Sara Bartolino Krachman & Bob LaRocca, “The Scale of Our Investment in Social-Emotional Learning,” Transforming Education (Sept. 2017), p.4, available at <https://www.transformingeducation.org/wp-content/uploads/2017/10/Inspire-Paper-Transforming-Ed-FINAL-2.pdf>; Sara Bartolino Krachman & BobLaRocca, “A Data-Informed Approach to Social Emotional Learning: Policy Recommendations for State and Local Leaders,” Transforming Education (May 2018), p. 5, available at https://www.transformingeducation.org/wp-content/uploads/2018/05/TE-April-2018-Paper_April-2018-FINAL-v3.pdf

Department of Education has also adopted the CASEL Framework for social and personal competencies.²⁷

194. Within this document the Tennessee Department of Education encourages teachers and administrators to find more information about social and personal competency skills from the CASEL website by providing a link, and praises CASEL as “a leader in SEL.”²⁸

“Social Emotional Learning” As A Euphemism For Critical Race Theory

195. The connection between Social Emotional Learning (SEL) and Critical Race Theory (CRT) is more often implicit than explicit. Educators, districts, and organizations are not likely to advertise that SEL and CRT are essentially two sides of the same coin. At the core of SEL and CRT is the hyper-focus on children’s beliefs, values, attitudes, and mindsets.

196. SEL provides the how – the strategies through which beliefs, values, attitudes, and mindsets are changed.

197. CRT provides the what – the “proper” beliefs, values, attitudes and mindsets.

198. Dr. Karen Effrem and Jane Robbins, J.D. explain in their white paper titled, Social-Emotional Learning: K-12 Education as New Age Nanny State, that: “At its core, the skills of social-emotional learning aim to shift the center of moral decision-making from traditional wisdom and an awareness that we are children of God to the newly enlightened self. Prodded by progressive activists and courts, the schools have scrubbed all Judeo-Christian principles and values.”²⁹

199. “SEL represents a dramatic departure from the traditional role of schools to build upon and deepen the American home’s ethical and moral training.”³⁰

²⁷ *Incorporating Social and Personal Competencies Into Classroom Instruction and Educator Effectiveness – A toolkit for Tennessee Teachers and Administrators*, July 2015, Tennessee Department of Education, p. 5-7.

²⁸ *Id.* at p. 7

²⁹ Pioneer Institute, “Social-Emotional Learning: K-12 Education as New Age Nanny State”, Karen Effrem, M.D. and Jane Robbins, J.D., with a foreword by Kevin Ryan, Ph.D., March 2019, p. 4, White Paper No. 192.

³⁰ *Id.* p. 5

200. “SEL posits that education should focus less on academic content knowledge and more on students’ attitudes, mindsets, values, and behaviors.”³¹

201. “SEL proponents present their product uncritically as the transformational tool that will propel students into greater academic achievement and personal fulfillment.” But the “risks to students’ privacy, health, and even their very futures are significant.”³²

202. “Transformative SEL is anchored in the notion of justice-oriented citizenship.”³³

203. Much of the theory and practice of education (pedagogy) employed today in American schools, including schools in Tennessee and Williamson County, is derived directly, with certain modifications from the work of a Brazilian “critical pedagogue” by the name of Paulo Freire. (Affidavit of James Lindsay at ¶3).

204. While Freire is not exactly a household name in the United States, he is a household name and figure of educational legend in all American colleges of education. There, in fact, he is revered, and his work is considered virtually sacrosanct. It has also been incredibly influential. (Affidavit of James Lindsay at ¶4).

205. Because of his incredible sway in North American colleges of education, Paulo Freire is recognized as the third most-cited scholarly author in all of the humanities and social sciences by authoritative metrics. (Affidavit of James Lindsay at ¶5).

206. The concept in education of “Culturally Relevant Teaching”, is a more-or-less direct repackaging of Freirean education into a more contemporary identity-political domain. (Affidavit of James Lindsay at ¶9).

³¹ Id. p. 6

³² Id.

³³ Educational Psychologist, “Transformative Social and Emotional Learning (SEL): Toward SEL in Service of Educational Equity and Excellence”, Robert J. Jagers, Deborah Rivas-Drake & Brittney Williams, p.162, July 22, 2019.

207. Understanding what is happening in our schools today is therefore a matter of understanding Paulo Freire and his work. (Affidavit of James Lindsay at ¶11).

208. Paulo Freire was not merely an educator. He was a Marxist (or, more accurately, a neo-Marxist, though the distinctions are only interesting and important to academics and Marxists). (Affidavit of James Lindsay at ¶12).

Critical Race Theory Based On The “Generative” Concepts Approach

209. In general, the “generative concepts approach” (as introduced through Paulo Freire) attempts to teach every lesson possible by presenting some politically relevant, usually negative and oppression-centric, concept through whatever other subject. (Affidavit of James Lindsay at ¶72).

210. In reading and vocabulary, this most often involves choosing the relevant books to repeat a particular agenda or presenting vocabulary words that have particular resonance: poor, poverty, misery, starvation, oppression, injustice, harm, and so on, with higher than one might expect from statistical frequency at the grade level. (Affidavit of James Lindsay at ¶73).

211. In mathematics classes, it might take the form of using statistics lessons or word problems to present a particular politically relevant circumstance, such as calculating statistics about racial oppression and advantage rather than choosing politically neutral statistical exercises. (Affidavit of James Lindsay at ¶74).

212. In history classes, it could take the form of tailoring the curriculum to focus on certain types of materials to the exclusion of others, such as slavery or the various civil-rights movements (racial, sexual, and so on). (Affidavit of James Lindsay at ¶75).

213. The generative concepts approach is being utilized any time the general curriculum is being skewed to present a “hidden” (usually very thinly veiled) political lesson as either the secondary or de facto primary purpose of the lesson. (Affidavit of James Lindsay at ¶76).

214. The purpose of using a generative concepts approach to pedagogy is straightforward: to get the “learners” to engage with material that is politically relevant to their own lives. (Affidavit of James Lindsay at ¶77).

215. For example, by introducing a lesson on “acceptance” and “dignity” regarding gender and sexual themes with young children, it is likely that many of the students will be encountering these ideas for the first time, thus “necessitating” further discussion, which the schools may or may not facilitate and into which parents may be co-opted without their consent. Similar effects occur with race and other politically relevant issues. (Affidavit of James Lindsay at ¶79).

216. This generative concepts approach, like that embodied within the Williamson County’s Wit & Wisdom curriculum uses culturally relevant (or responsive, or competent) approaches to teaching, and therefore shortchanges students of the opportunity to learn the subject matter at hand without grooming them toward a “political literacy” considered relevant to the “educator” utilizing the method. (Affidavit of James Lindsay at ¶100).

217. In a nutshell, this is a very subtle form of indoctrination and ideological programming posing as legitimate education. (Affidavit of James Lindsay at ¶101).

218. Social-Emotional Learning is geared particularly to facilitate the more contemporary and Marxists “Transformative SEL,” promoted, for example, by CASEL (Collaborative for Academic, Social, and Emotional Learning). (Affidavit of James Lindsay at ¶127).

**What is Critical Race Theory?
What are the origins of Critical Race Theory?
How does it work? And how does it harm?**

219. Critical Race Theory (“CRT”) is the belief that policies and practices contribute to discrepancies through systemic racial inequalities. (Affidavit of Jennifer McWilliams ¶3).

220. CRT supporters advocate for ways to create systemic change and disrupt those policies and practices. (Affidavit of Jennifer McWilliams ¶4).

221. Critical Race Theory is, itself, a Marxist Theory of race. In fact, it is Race Marxism (or Racial Marxism, if you prefer). (Affidavit of James Lindsay at ¶88).

222. In perfect parallel to Karl Marx’s model that a form of bourgeois private property called capital divides society into an oppressive “superstructural” upper class and oppressed “infrastructural” lower class, which are intrinsically in class conflict, Critical Race Theory suggests that a form of bourgeois racial/cultural property called “whiteness” divides society into an oppressive “superstructural” upper class and oppressed “infrastructural” lower class, which are intrinsically in racial class conflict. (Affidavit of James Lindsay at ¶89).

223. Critical Race Theory maintains that those with access to whiteness create an ideology called “white supremacy” that justifies the existing structure of society, which is structural or systemic racism. Critical Race Theory seeks to induce a critical racial consciousness in those allegedly oppressed by or participating in this system. (Affidavit of James Lindsay at ¶91).

224. On and on these comparisons can go because in the same way that culturally relevant pedagogy is a repackaging of Freire’s generative concepts approach to education into the racial and other identity-political domains, Critical Race Theory is a direct repackaging of Marxism into the racial domain (other identity political “Theories” like Gender Theory and Queer

Theory reproduce Marxism in other “cultural” identity domains). (Affidavit of James Lindsay at ¶92).

225. In this regard, Critical Race Theory (CRT) and Culturally Relevant Teaching (the other CRT) go together hand-in-glove in precisely the same way that Freire’s Marxified education theory and the (neo)-Marxist Theory it sought to instill in “learners” do. (Affidavit of James Lindsay at ¶93).

226. In education, CRT supporters argue inequitable outcomes created by systemic racism/oppression are presented as measurable concepts such as suspension rates, achievement gaps, assignment to special education, testing and assessment, and curricular access. (Affidavit of Jennifer McWilliams ¶5).

227. In K-12 schools, Social Emotional Learning (“SEL”) programs, such as Wit & Wisdom used by the Williamson County school system, are implanted as a solution to change the politics and practices that create inequitable outcomes created by systemic racism/oppression. (Affidavit of Jennifer McWilliams ¶6).

228. Social Emotional Learning, Wit & Wisdom, uses a culturally responsive framework that focuses on emotion regulation tied to groups that they say are marginalized by the system. (Affidavit of Jennifer McWilliams ¶7).

229. The policy and practice changes cause children to adopt the critical race theory mindset and become “agents for systemic change.” Therefore, Wit & Wisdom teaches Critical Race Theory to students through purposeful, psychological manipulation with a focus on empathy towards systemic racism/oppression and personal stories of racism/oppression. (Affidavit of Jennifer McWilliams ¶8).

230. Culturally Relevant Teaching and Critical Race Theory in education were both explored to a significant degree by the same person, Gloria Ladson-Billings, and Ladson-Billings still actively pushes both concepts into education today, more than a quarter century later. (Affidavit of James Lindsay at ¶94).

231. Ladson-Billings is one of the most influential and active education activists in the country today and is a primary consultant on state-level education initiatives, including, for example, the “Ed Equity Virginia” program implemented by the Virginia Department of Education. (Affidavit of James Lindsay ¶82).

232. In Gloria Ladson-Billings’ book *The Dream Keepers*, she explains the process and purpose of Culturally Responsive (Relevant) Teaching. (Affidavit of Jennifer McWilliams ¶9).

233. Jennifer McWilliams, an expert and parental rights consultant with an area of expertise in Social Emotional Learning (SEL); and has extensively researched SEL. (Affidavit of Jennifer McWilliams ¶2). Ms. McWilliams can attest to the fact that the Wit & Wisdom curriculum from Great Minds uses the culturally responsive, social emotional learning framework from the Collaborative for Academic Social and Emotional Learning (CASEL). The implementation of this framework is the praxis of critical race theory in K-12 education to shift the knowledge, attitudes, beliefs and worldview of students to adopt critical race theory ideology. (Affidavit of Jennifer McWilliams ¶10).

234. Culturally Responsive Teaching, also known as Culturally Relevant Pedagogy, was coined in 1994 by self-proclaimed critical race theorist, Gloria Ladson-Billings. (Affidavit of Jennifer McWilliams ¶11).

235. Virtually the entirety of the program called “Culturally Relevant Education” put forth by Gloria Ladson-Billings (originally in 1995) is a simple repackaging of Freire’s generative

concepts model using racial and other identity politics as the source for generative concepts (packaged as “cultural” facets of identity groups). (Affidavit of James Lindsay ¶81).

236. Ladson-Billings, like Freire, to whom Ms. McWilliams cites, appeals to greater student engagement as the justification for these programs, which she explicitly explains in her seminal 1995 paper on the topic exist to fulfill three aims: to create academic success (though she never says how or what this looks like), to be “culturally competent” (which is to say to employ the generative concepts approach, often through the “dialogical” method), and—explicitly—to awaken critical consciousness (*i.e.*, Marxist understanding of the themes). “I have defined culturally relevant teaching as a pedagogy of opposition not unlike critical pedagogy but specifically committed to collective, not merely individual, empowerment. Culturally relevant pedagogy rests on three criteria or propositions: (a) Students must experience academic success; (b) students must develop and/or maintain cultural competence; and (c) students must develop a critical consciousness through which they challenge the status quo of the current social order,” Ladson-Billings writes (“But That’s Just Good Teaching! The Case for Culturally Relevant Pedagogy,” *Theory into Practice*, Vol. 34, No. 3, 1995, p. 160.) (Affidavit of James Lindsay ¶83).

237. The Marxian purpose for this program she also makes clear: “Not only must teachers encourage academic success and cultural competence, they must help students recognize, understand, and critique current social inequities” (p. 162). (Affidavit of James Lindsay ¶84).

238. Critical Race Theory has five tenets: counter-storytelling; the permanence of racism; Whiteness as property; interest conversion; and the critique of liberalism. (Affidavit of Jennifer McWilliams ¶12).

239. Thus, Critical Race Theory informs and is delivered through Culturally Relevant Teaching, and Culturally Relevant Teaching is a simple repackaging of Paulo Freire’s failed generative concepts approach to education. (Affidavit of James Lindsay ¶95).

240. In 1995, Gloria Ladson-Billings co-authored Toward a Critical Race Theory of Education, in which she argues for using race as an analytic tool for understanding school inequity. (Affidavit of Jennifer McWilliams ¶13).

241. Toward a Critical Race Theory of Education, positioned her and the intended goals of her pedagogical work, which is unambiguously rooted in Paulo Freire’s Marxified education. (Affidavit of James Lindsay ¶87).

242. In Toward a Critical Race Theory of Education, Ladson-Billings states, “In this article we attempt to theorize race and use it as an analytic tool for understanding school inequity. We begin with a set of propositions about race and property and their intersections. We situate our discussion in an explication of critical race theory and attempt to move beyond the boundaries of the educational research literature to include arguments and new perspectives from law and the social sciences.” (Affidavit of Jennifer McWilliams ¶14).

243. Toward a Critical Race Theory of Education, lists three propositions as the basis for social and school inequity: 1) race continues to a significant factor in determining inequity in the United States (Permanence of Racism), 2) U.S. society is based on property rights (Whiteness of Property), and 3) the intersection of race and property creates an analytic tool through which we can understand social and school inequity (Interest Convergence). (Affidavit of Jennifer McWilliams ¶15).

244. Toward a Critical Race Theory of Education claims “racism as endemic and deeply ingrained in American life.” It states “If racism were merely isolated, unrelated, individual acts,

we would expect to see at least a few examples of educational excellence and equity together in the nation's public schools. Instead, those places where African Americans do experience educational success tend to be outside of the public schools. While some might argue that poor children, regardless of race, do worse in school, and that the high proportion of African-American poor contributes to their dismal school performance, we argue that the cause of their poverty in conjunction with the condition of their schools and schooling is institutional and structural racism (i.e. critical race theory.)” (Affidavit of Jennifer McWilliams ¶16).

245. Toward a Critical Race Theory of Education explains “a theme of naming one’s own reality, or voice, is entrenched in the work of critical race theorists.” (Affidavit of Jennifer McWilliams ¶17).

246. Toward a Critical Race Theory of Education lists three reasons for naming one’s reality: critical race theorists argue that political and moral analysis is situational and truths only exist for this person in this predicament at this time in history. It is the psychic preservation of marginalized groups, and naming one’s own reality with stories that can affect the oppressor. (Affidavit of Jennifer McWilliams ¶18).

247. While it is a common misconception that critical race theory is only taught at the graduate level, Toward a Critical Race Theory of Education explains how it can be used in K-12 education stating “critical race theory in education, like its antecedent in legal scholarship, is a radical critique of both the status quo and the purported reforms.” (Affidavit of Jennifer McWilliams ¶19).

248. Culturally Responsive Teachers use, as a tenet of critical race theory, counter-storytelling to form knowledge for their students. In Toward a Theory of Culturally Relevant Pedagogy, Ladson-Billings explains a scenario in which a “culturally responsive teacher” in her

study asked her students to identify one area in which they believed they had expertise. When students presented their experiences, the rest of the class was required to accept their knowledge and expertise as factual. Counter-storytelling methods are “alternative narratives used to trouble what are commonly understood as monolithic factual stories, designed to expose, analyze, and challenge narratives and privileged characterizations”. (Affidavit of Jennifer McWilliams ¶23).

249. Culturally Responsive Teaching is thus designed to influence children to become agents of change by training them to use activism to create new (critical race theory based) social norms.

250. The Social Emotional Learning framework from CASEL³⁴ advances the praxis of critical race theory and intersectionality through culturally responsive teaching method. CASEL states, “Students, families, schools, and communities are all part of broader systems that shape learning, development, and experiences. Inequities based on race, ethnicity, class, language, gender identity, sexual orientation, and other factors are deeply ingrained in the vast majority of these systems and impact student and adult social, emotional, and academic learning.

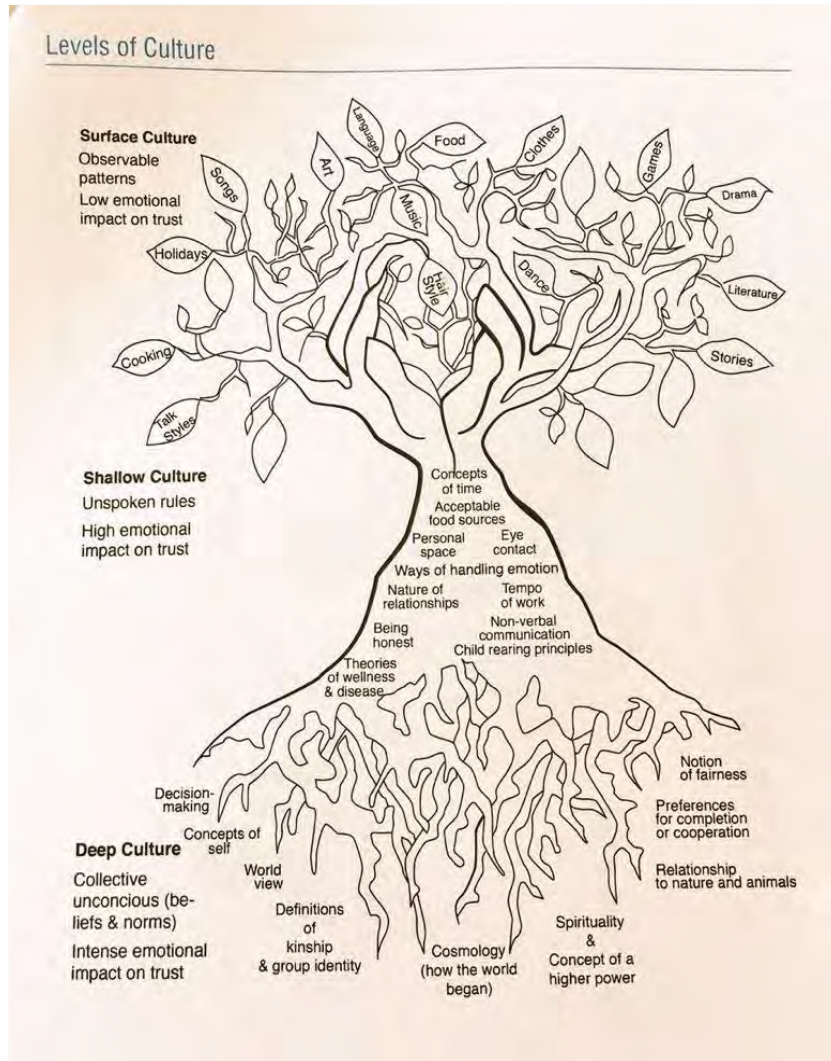
251. The Social Emotional Learning framework used by Williamson County’s Wit & Wisdom curriculum shifts the perception of students toward a critical race theory viewpoint by teaching five competencies: self-awareness, self-management, social awareness, relationship skills, and responsible decision-making. Self-awareness and self-management influence children to understand and control their identities based on oppression and privilege. Social Awareness and Relationship skills teach children to build relationships to support a collective society, then work to identify and dismantle inequitable systems. Responsible decision-making is fundamentally

³⁴ What is the CASEL Framework? <https://casel.org/fundamentals-of-sel/what-is-the-casel-framework/> (last visited May 19, 2022).

political and aimed at deconstructing the foundations of law and citizenship. (Affidavit of Jennifer McWilliams ¶40).

252. Williamson County's Wit and Wisdom uses CASELs SEL framework and culturally responsive/relevant teaching to change school policies and practices which manipulate the way the students view the world. It is designed to teach students to develop a belief that our country is systemically racist/oppressive (like that of a critical race theorist). (Affidavit of Jennifer McWilliams ¶44).

253. Wit & Wisdom uses social, and emotional manipulation techniques and a shift in school culture that is designed to create a new mindset. Therefore, Wit & Wisdom is teaching critical race theory and training children to be advocates for change based on systemic racism/oppression. (Affidavit of Jennifer McWilliams ¶45).



(Affidavit of Jennifer McWilliams ¶46).

Parents and Guardians Raise the Alarm about Wit & Wisdom

254. On or about January 18, 2021, WCS received their first parental complaint regarding Wit & Wisdom.

255. The grandparents and legal guardians of a second grade student from Bethesda/Winstead Elementary, (a multicultural family) wrote their child’s teacher regarding Module 3 Civil Rights Heroes. They expressed their concern over the “underlying narrative being America is racist and White Americans are bad people.” They went on to state that they “have read

ahead, and this theme continues very subtly throughout the entire module. A person could reasonably draw the conclusion that the goal of this module is not teach the importance of the Civil Rights Movement that was achieved by the efforts of everyday Americans and its leaders, Black and White alike working together, but rather as a curriculum of shame with intention of sowing seeds of divisiveness, discontent and self-loathing.”

256. The teacher that received the complaint agreed with the grandparents and said that “these are tough topics for 2nd graders.”

257. These concerns were sent up the chain of command from the Principal of Bethesda/Winstead to the Curriculum Specialist Karen Wight, Director of Curriculum Jenny Lopez, and finally to Defendant Dave Allen. All of these WCS administrators all acknowledged that the grandparents and teacher were making valid points about the curriculum.

258. On January 21, 2021, Defendant Dave Allen sent an email to Defendant Jason Golden apprising him of the concerns of this family and the teacher from Bethesda/Winstead. Defendant Allen told Defendant Golden that the second grade module 3 was being reviewed in its entirety; as if WCS was unaware of the questionable content.

259. As a follow up to the Bethesda/Winstead Grandparents’ email from January 18, 2021, a friend and neighbor of this family wrote Ms. Oyer, Defendant Golden and Marianne Gilbert, on January 21, 2021. In this supportive, follow up email, the neighbor attached the offensive and concerning content being taught in the module that centered around the Ruby Bridges books. She stated that this material was better suited for middle or high school students and not elementary school students.

260. Additionally, on January 21, 2021, the same Bethesda/Winstead Grandparents emailed again, this time specifically emailing Dr. Kari Miller, forwarding their original email and

including Beth Apling, the special education teacher. They expressed that they were in week three of this curriculum and still their grandchild was learning about injustice.

261. On January 29, 2021, a family from Kenrose Elementary, with a second grade child, emailed Principal Rebekah Loffi, requesting a phone conference to discuss the Wit & Wisdom curriculum.

262. The Kenrose Elementary family wrote Principal Loffi again on March 4, 2021. In the email it was expressed to Principal Loffi that the curriculum was “age inappropriate,” “depressing” and “boring.” The parents explained that the child was “so unhappy to learn this depressing content” and “hates school”. The parents begged for help from Principal Loffi, explaining that they “have really struggled” and that “this content only make it harder.”

263. The Kenrose Elementary family wrote a letter to Defendant Golden on March 23, 2021, regarding Wit & Wisdom. The Kenrose Family explained that “[t]he new curriculum has a high intensity focus on race that is highly inappropriate for 7-and 8- year-old children.” The family explained that they are a “bi-racial family, Asian and White;” and that “[t]his class has been very harmful to [their] son’s identi[ty] and self-esteem.” Explaining that their “son never questioned his race or identity until this curriculum;” and their son was telling his parents “that he isn’t American, he isn’t white. He is Thai. He is ashamed of his white half.”

264. Defendant Golden emailed the Kenrose Family on March 25, 2021. In his response he simply stated that his “best suggestion at this point is to put you in touch with Dr. David Allen, our Assistant Superintendent for Teaching, learning and Assessment.”

265. Defendants Dave Allen and Jason Golden; Karen Wright, the WCS Curriculum Specialist; and Jenny Lopez, the WCS Director of Curriculum, discussed in internal emails on May

6, 2021, these parental complaints. The Defendants all acknowledged their awareness of the issues that parents were having, especially with the Module called “Civil Rights Heroes”.

266. On or about the last week of April, 2021, a group of concerned parents from District 12 met in person with WCS board member Nancy Garrett. Ms. Garrett followed up with these concerned District 12 parents in an email dated May 3, 2021; it is clear from this email that the parents and Ms. Garrett discussed concerns about Wit & Wisdom. In turn, Ms. Garrett, forwarded her communications with these District 12 parents to Defendant Golden. From there Defendant Golden questioned Defendant Allen about whether WCS followed Board Policy for the ELA adoption process; which Defendant Allen assures that the Board did follow policy.

267. But, yet again, Defendants Allen and Golden, knew parents were questioning the curriculum; they knew there were issues; but failed to take appropriate action to remedy these concerns.

268. On May 12, 2021, a family from District 6 wrote Defendant Golden expressing concern over Wit & Wisdom and had many questions about the adoption process. Defendant Golden did not answer any of the parent’s questions and tried to placate in his response that WCS was reviewing the content.

269. Not satisfied by Defendant Golden’s response, the District 6 parents replied on May 21, 2021, imploring Defendant Golden to provide them with more answers and expressing that parents needed to be involved.

270. On May 24, 2021, two other Williamson County families, one from District 2, reached out on behalf of a parent forum group via email to Defendant Golden, requesting his presence, along with the entire WCS Board at a parent-led forum in order for parents to ask questions about Wit & Wisdom.

271. On May 24, 2021, Defendant Golden responded to the emails requesting his participation in a parent forum; he agreed to meet with several of the parents, in a small group on June 15, 2021 at 10:00 a.m. Defendant Golden copied the WCS board members in this response.

272. On May 25, 2021, Dan Cash, one of the WCS board members, asked Defendant Golden, “Why couldn’t we open a high school for this purpose. Let’s talk curriculum. This issue is not going away.”

273. On the same day WCS board member Erich Welsh, gave his opinions on the matter to Defendants Allen and Golden only. Mr. Welch essentially disagreed with Mr. Cash’s suggestion, and did not want a board forum with parents, or with any group of parents who were justifiably concerned about the curriculum. Mr. Welsh cited board policy in his response and effectively shut down any further discussion with parents outside the confines of official board meetings. Defendant Allen replied to Mr. Welch essentially agreeing and stated that they followed policy.

274. On May 27, 2021, yet another parent emailed Defendant Golden requesting that he and the school board be a part of a parent forum. In response to that email Defendant Golden stated that he would be willing to meet with parents in small groups; and falsely stated that “[w]e do not have in our instructional plans promotion of critical race theory.” The parent refuted this assertion on May 29, 2021 in their reply referencing a lesson from the phonics program regarding the book Dick and Jane and the lesson that follows the book which asks, “looking at this picture, who do you think is disadvantaged?” Defendant Allen, in the internal discussion concerning this specific lesson, asked that his specialist look into this book as it was the first time they have heard about this lesson.

275. May 30, 2021, a mother and member of Parents' Choice emailed District 12 WCS board member Nancy Garrett regarding her concerns not just over Wit & Wisdom, but also about curricular materials called "Fostering Healthy Solutions" surveys, "Brain Pop", the book "The Boys War", and the book "Walk Two Moons". This parent pointed out how social studies and ELA (Critical Race Theory) were tied together.

276. On June 1, 2021, a Crockett Elementary family emailed Principal Bronwyn Rector and the WCS board. In the email the Crockett Elementary family submitted the first request for a 4.403 committee review and indicated to the administration that the curriculum violated the new "anti-CRT law". Defendant Allen stated that he needed further direction from Dana Ausbrooks, and took the position that this had to all be viewed through the lens of school board policy.

277. On June 2, 2021, WCS and Principal Julie Sparrow from Mill Creek Elementary received their first withdrawal email regarding the families and members of Parents Choice concerns over Wit & Wisdom and "Brain Pop"

278. On June 3, 2021, Defendant Allen in response to the Mill Creek Elementary Family's withdrawal, questioned internally if this family raised concerns throughout the year; or about "Brain Pop"; or whether the family knew "Brain Pop" was being removed during a review of the content; or if the family raised concern about specific books. Principal Sparrow replied to Defendant Allen stating that "no concerns or prior communication at all other than some mask exemption related things." Within these internal emails, Defendant Allen is more concerned about demonstrating that the Mill Creek Family's issues were not due to Principal Sparrow's lack of responsiveness or anyone else's.

279. On June 9, 2021, a mother of three junior high school children, a seven year old first grader and an up and coming kindergarten with special needs, wrote Defendant Golden and

the WCS Board regarding her children's experience under Wit & Wisdom. The mother explained how her eldest daughter was reading racially charged material in her AP English Class, and coming home questioning her value as a person. She explained that her seven-year-old now suffers from obsessive compulsive disorder and is under psychological treatment due to the divisive material read in the first grade; and how the seven year old child's self-esteem has been decimated, and how she thinks she must apologize for having white skin. And the mother explains that her special needs child should not be subjected to Wit & Wisdom as the child is incapable of being able to process the emotional and divisive material. In the end the mother of three informs the defendants that she will be pulling her children from WCS.

280. Defendant Allen responded internally on June 10, 2021, to the pleas of this desperate mother of three, in his internal commentary he wrote: "I haven't been forwarding these to you, but wanted to give you an idea that Jason, the board and County Commission has been receiving daily. The vast majority are without specifics they can point to in the curriculum (I have shared with you every specific example I've been given). I'm estimating about half of what they receive are from community members that don't have kids in the elementary school." In response to all the criticism of Wit & Wisdom, Great Minds released a statement to Jenny Lopez, the Director of Curriculum.

The Objectionable and Harmful Content Within the Wit & Wisdom Curriculum

281. Wit & Wisdom is a highly scripted curriculum that does not lend itself to any academic discretion or leeway for teachers.

282. Wit & Wisdom has reoccurring emotionally-charged themes which include: suicide ideation, cannibalism, oppressed people of color, oppressive white people, extreme emotion, graphic death, dark imagery, anti-family, anti-American, and anti-church and religion.

283. Wit & Wisdom also has age-inappropriate topics which include: murder, graphic mating, gender fluidity, anti-authority, torture, rape, adultery, scalping/skinning of humans, stillbirth, excessive gore, excessive violence, drunkenness, and promiscuity.

284. And specifically, in the second grade Module 3, Wit & Wisdom outwardly violates T.C.A. § 49-6-10, otherwise known as the “Anti-CRT” legislation.

285. The second grade Module 3 of Wit & Wisdom is about “Civil Rights Heroes”, and includes the following anchor texts:

- Martin Luther King Jr. and the March on Washington by Frances E. Ruffin
- Ruby Bridges Goes to School: My Story by Ruby Bridges
- The Story of Ruby Bridges by Robert Coles
- Separate is Never Equal by Duncan Tonatiuh

286. These classroom books and teacher manuals reveal both explicit and implicit Anti-American, Anti-White and Anti-Mexican teachings.

287. These lesson plans and books implies to second grade children that people of color continue to be oppressed by an oppressive “angry, vicious, scary, mean, loud, violent, [rude], and [hateful]” white population and teaches that the racial injustice of the 1960s exists today.

Kindergarten Materials

288. In kindergarten grades in Williamson County, there are two books of particular concern, Rap-a-Tap-Tap, and Why Mosquitoes Buzz in People’s Ears: A West African Tale.

289. Both of these books were reviewed in the 4.4.03 Committee.

290. The book Rap-a-Tap-Tap, when paired with the teachers lesson manual, puts the focus of discussion on an individual’s skin color and racial oppression. The lessons introduce skin

color differences; introduces social emotional learning; and has age inappropriate lessons on the Harlem Renaissance.

291. In the following excerpt from the teachers lesson manual, the teacher is directed to get kindergarten children to discuss the “Skid”^s,³⁵ and the lesson plan directs the teacher to utilize “Equity Sticks” to call on students and elicit specific answers:

Learn

Build Understanding with Context

WHOLE GROUP

Display pages 11–12 of *Rap a Tap Tap*, and invite students to look closely at the illustration. Read page 11 aloud. Instruct students to Think-Pair-Share, and ask: “In the text, it says the place shown in this illustration is called the Skids. What do you notice about the Skids in this illustration? What is happening there?” Use Equity Sticks to call on students to answer.

- I notice people are standing by a fire. Maybe it is cold.
- I notice that the people's clothes look worn and torn.
- I notice a woman giving soup to kids.
- I see boards over the windows.

Remind students that Bojangles was a real person and *Rap a Tap Tap* tells us about his life. Explain that we can learn more about this illustration, and about the Skids, as we explore more of Bojangles' story and the time he lived.

Read aloud the second paragraph of the Afterword on page 29 of *Rap a Tap Tap*. Explain that Bill Robinson, or Bojangles, lived during a time called the Great Depression. The Great Depression was a very difficult time for people all over the world.

Explain that they might need more information about the Great Depression to better understand the story of Bojangles. *Rap a Tap Tap* does not say anything else about the Great Depression, but they can find more information in other places, like different books or websites.

Access the free preview of the online [Great Depression article](#) from Children's Encyclopedia.

Read the first paragraph aloud, defining unknown words as necessary. For example, consider defining *harsh* as “not kind or pleasing” and *economic* as “having to do with money or how things are bought and sold.”

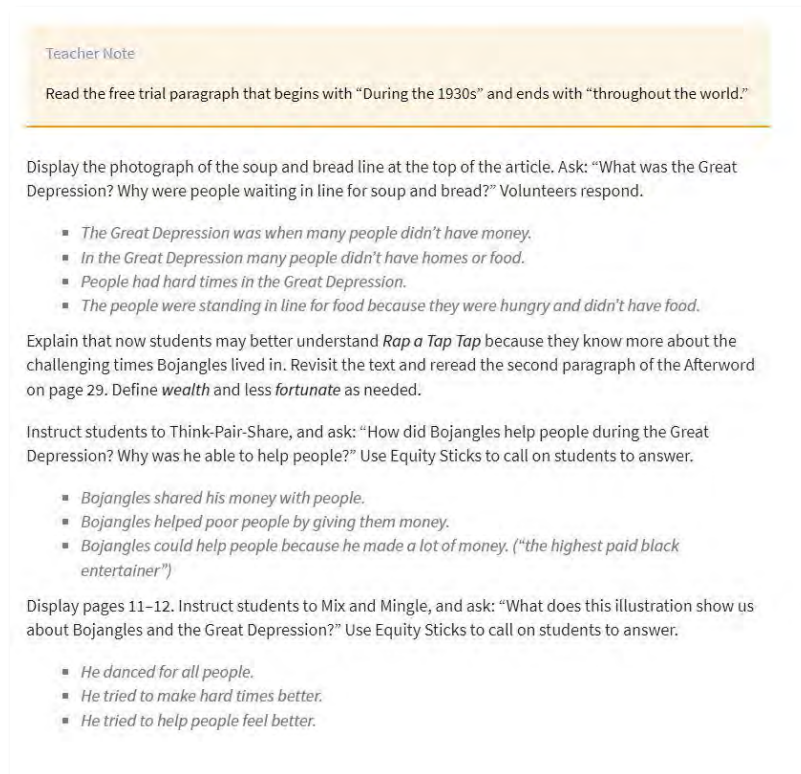
Teacher Note

Read the free trial paragraph that begins with “During the 1930s” and ends with “throughout the world.”

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000011).

³⁵ “Skid’s” is a synonym for “slum”. As explained above by James Lindsay, “Freire suggest[ed] using the Portuguese words for ‘slum’ and ‘struggle’ explicitly as generative words from which to begin to teach literacy to peasants.” (Affidavit of James Lindsay ¶71).

292. This example from Lesson 24 demonstrates how the book and lesson is asking kindergarten children to “define wealth and less fortunate as needed.”:



Teacher Note

Read the free trial paragraph that begins with “During the 1930s” and ends with “throughout the world.”

Display the photograph of the soup and bread line at the top of the article. Ask: “What was the Great Depression? Why were people waiting in line for soup and bread?” Volunteers respond.

- *The Great Depression was when many people didn't have money.*
- *In the Great Depression many people didn't have homes or food.*
- *People had hard times in the Great Depression.*
- *The people were standing in line for food because they were hungry and didn't have food.*

Explain that now students may better understand *Rap a Tap Tap* because they know more about the challenging times Bojangles lived in. Revisit the text and reread the second paragraph of the Afterword on page 29. Define *wealth* and less *fortunate* as needed.

Instruct students to Think-Pair-Share, and ask: “How did Bojangles help people during the Great Depression? Why was he able to help people?” Use Equity Sticks to call on students to answer.

- *Bojangles shared his money with people.*
- *Bojangles helped poor people by giving them money.*
- *Bojangles could help people because he made a lot of money. (“the highest paid black entertainer”)*

Display pages 11–12. Instruct students to Mix and Mingle, and ask: “What does this illustration show us about Bojangles and the Great Depression?” Use Equity Sticks to call on students to answer.

- *He danced for all people.*
- *He tried to make hard times better.*
- *He tried to help people feel better.*

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000012).

293. By having children “define wealth and less fortunate as needed” as well as having students discuss the “skids”, Wit & Wisdom is following the “Generative Word” concept as described by James Lindsay.

294. Lesson 25, discusses with Kindergarten children that the fact that “Bojangles lived during a time when many doors were closed to him because of the color of his skin.”:

Explain to students that the illustrators chose to include the image of the open and closed doors in order to show important information about the time in which Bojangles lived. Share that Bojangles lived during a time when many doors were closed to him because of the color of his skin. Bojangles was one of many African-American artists and writers who helped to change that by working to open doors for people of all races. This time in history is called the Harlem Renaissance. Tell students that it was called the Harlem Renaissance because the African-American artists and writers lived in a part of New York City called Harlem.

Remind students that reading one text can often bring up questions that we have to look at other texts, including other books and websites, to answer.

Display the online Harlem Renaissance article  from Scholastic. Share the picture at the top of the article, and read aloud the title and subtitle of the article.

Ask: "What does *creativity* mean?" Volunteers respond.

Explain that creativity is what comes out when people use their imaginations. Reread the subtitle, this time emphasizing explosion.

Instruct students to respond with a Nonverbal Signal (thumbs-up, thumbs-down), and ask: "Is an 'explosion of creativity' a good thing?"

Explain that an "explosion of creativity" was a very good thing; it brought music and art into the world and made the country discuss more ways to open doors for everyone, no matter their skin color.

Read aloud the last paragraph of the article (beginning with "As the 20th century progressed"). Explain that phrases like "great transformation," "pride," and "rebirth" tell the reader that the Harlem Renaissance was an extremely important and exciting time for African Americans. Reinforce that, as a part of this movement, Bojangles helped to showcase the talents and contributions of African-American artists.

Return to *Rap a Tap Tap*. Display and reread pages 7–8. Instruct students to Think-Pair-share, and ask: "What does this page show us about Bojangles and the Harlem Renaissance?"

- *Some doors were closed for Bojangles because of the color of his skin.*
- *Bojangles kept dancing even though some people wouldn't watch him.*
- *Bojangles' dancing helped open doors for African Americans.*

Put *closed* on the Word Wall as a module word.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000014).

Return to *Rap a Tap Tap*. Display and reread pages 7–8. Instruct students to Think-Pair-share, and ask: “What does this page show us about Bojangles and the Harlem Renaissance?”

- *Some doors were closed for Bojangles because of the color of his skin.*
- *Bojangles kept dancing even though some people wouldn’t watch him.*
- *Bojangles’ dancing helped open doors for African Americans.*

Put *closed* on the Word Wall as a module word.

Teacher Note

The blended sounds in *closed* may be difficult for students to hear. However, the idea of closed doors is essential understanding the significance of the historical setting. Therefore, add it to the Word Wall without asking students to make the letter-sound connection in this word.

Extension

As time permits, introduce students to music and art from other Harlem Renaissance artists, such as Duke Ellington and Aaron Douglas.

Read through the rest of the text. Turn back to the beginning of the text and slowly turn through the pages, prompting students to focus only on Bojangles. Ask: “Is Bojangles standing still in these pictures?” Volunteers respond.

4. How does the illustrator show us that Bojangles is dancing?

- *There are lots of legs.*
- *The legs are all different colors.*
- *The legs look like they are moving fast.*
- *His feet are tapping. I can see a lot of shoes.*
- *Only his legs and feet are blurry.*

Ask students to stand up and find a clear spot in the classroom. Choose a few illustrations from the text, and ask students to try to move their bodies like Bojangles is moving in the illustration.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000015).

295. The 4.4.03 Committee found the book to be appropriate; however, the report did mention that the teacher’s manual does make note of such racial challenges for students.

296. These lesson plans are skirting the line of what is allowed under T.C.A. § 49-6-1019, and may be used in an inappropriate manner, in a clear violation of Tennessee law.

297. The Committee also looked at Why Mosquitos Buzz in People’s Ears: A West African Tale. While the Committee found the book to be recommended for use, it did so with the caveat that “The teacher should consider using the word “injured” or “hurt” rather than “killed” throughout the text. If the choice is made to do this, there will be no impact on the instruction.”

298. The issue with Why Mosquitos Buzz in People’s Ears: A West African Tale is that it is highly age inappropriate, and is not suited for a kindergarten audience, or recommended for children in third grade due to the imagery of a mother owl holding her dead baby owlet. The Committee noted that “exposure to unique art is of benefit to students.” It is puzzling how an illustration of a mother owl holding her dead baby is ‘unique art’.

299. Here is the “unique art” within the book:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000016).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000017).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000018).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000019).

300. The Discussion held within the Lesson 17 for this book focuses on the negative, it seeks to elicit responses from children regarding fault and punishment; and requires children to discuss why the animals are “still mad at the mosquito”:

Ask:

“Why is there a python on this page? Is the python actually chasing the rabbit in this part of the story?”

Use Equity Sticks to call on students to respond.

- *No, the python isn't chasing the rabbit now.*
- *But the rabbit is remembering what happened.*

Ask:

“Is the rabbit remembering correctly what actually happened? How do you know?”

Use Equity Sticks to call on students to respond.

- *No, rabbit isn't remembering how it really happened.*
- *The python was going into the rabbit's hole because he was scared. He wasn't trying to hurt the rabbit.*

✓ Flip back and forth between the illustration on pages 3–4 and 15–16. Instruct students to Think-Pair-Share, and ask:

“How do the illustrations show the difference between what really happened and what the rabbit remembers?”

Call on several students to respond.

- *In the first illustration the python's mouth is closed. He doesn't look scary.*
- *At first the python is looking back at iguana. He's not thinking about the rabbit.*
- *In the second illustration the python has huge teeth. He looks very scary!*
- *The rabbit remembers the python being very scary, but that wasn't true.*

Read the remainder of the text aloud, inviting students to join in saying the repeated lines in the text, as they are able.

Ask:

“What made Mother Owl feel good enough to wake the sun?”

Volunteers respond.

- *They figured out it was the mosquito's fault.*
- *The animals decided to punish the mosquito.*

Display the illustration on page 27. Instruct students to Mix and Mingle, and ask:

“Is everyone still mad at the mosquito? How do you know?”

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000020).


301. In lesson 19 the deep dive that the teacher manual would like to advance is focusing on the prefix ‘un-’ and discusses words such as “uncertainly, unkind, and unwilling.”:

↓ Lesson 19 Deep Dive: Vocabulary

Finding Meaning with the Prefix *un-*

TIME: 15 min.

TEXT: *Why Mosquitoes Buzz in People's Ears: A West African Tale*, Verna Aardema; Illustrations, Leo and Diane Dillon

Vocabulary Learning Goal: Use the meaning of the prefix *un-* as a clue to find the meaning of an unknown word. (L.K.4.b )

Launch

Remind students that in Deep Dive Lesson 17, they used the word beginning *re-* to find the meaning of new words.

Explain that students are going to use a different word beginning as a clue to figure out the meanings of more words describing the animals in the story.

Post and Echo Read the following words: *uncertainly*, *unkind*, and *unwilling*.

Ask:

“What word beginning do these words have in common?”

Students respond chorally.

- *Un!*

Redirect student attention to the list of posted words and underline *un-* in each word. Explain that the word beginning *un-* means “not.” Point out that, as such, when you add *un-* to a word it changes it to mean the opposite.

Reinforce that students are going to use this information as a clue to figure out the meaning of these words.

Learn

Instruct students to listen closely as you read and to give a thumbs-up signal when they hear a word that starts with the word beginning *un-*.

Display page 14 of the text and read the first paragraph, emphasizing the word *uncertainly*. Call on a student with a thumbs-up to identify the word starting with *un-*.

- *Uncertainly.*

Direct student attention to *uncertainly* on the board. Draw a box around the root word, *certain*, and point out that this is the main word part in the word. Reinforce that because *un-* means “not” the new word is the opposite of this word.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000022).

Learn

Determine the Essential Meaning of *Why Mosquitoes Buzz in People's Ears* 🗣️

WHOLE GROUP

Remind students that *Why Mosquitoes Buzz in People's Ears* is a folktale. Explain that folktales, like the one shared in this text, are stories that have been told over and over for a very long time. Long ago, folktales were stories that were told and retold out loud; they were not written down at first.

Tell students that folktales were often created to explain something about the world, or to teach a lesson about life. Ask:

“What does the story in *Why Mosquitoes Buzz in People's Ears* explain about the world?”

Volunteers respond.

- *It explains why mosquitoes buzz in people's ears.*
- *It explains why mosquitoes are annoying.*
- *It explains why people don't like mosquitoes.*

🗣️ Tell students that *Why Mosquitoes Buzz in People's Ears* explains something about the world and teaches a lesson about life. Ask students to think about the life lesson the story teaches as they read the story one more time.

Read the text aloud. After the reading, ask the following TDQs.

1. **How did King Lion use questions to learn why the night was lasting so long?**
 - *He called a meeting of the animals.*
 - *He asked each animal a question.*
 - *He kept asking questions until he figured out what really happened.*
2. **What might have happened if King Lion only listened to Mother Owl and didn't continue to ask more questions?**
 - *He might have punished the monkey because Mother Owl said it was the monkey's fault.*
 - *The animals might not learn the whole story.*
 - *Maybe the animals would stay mad at each other.*
3. **At the end of the story, it says the mosquito had a “guilty conscience.” What is a guilty conscience? Why might the mosquito feel guilty?**
 - *A guilty conscience is when you feel bad about something you did.*
 - *You have a guilty conscience when you did something wrong and you feel bad.*
 - *Maybe the mosquito feels bad because she knows she lied.*
 - *Maybe the mosquito feels guilty because she lied and then the baby owl died.*
4. **What lines do you hear repeated over and over in the text? Why do you think the author repeated those lines?**
 - *I hear King Lion telling what happened.*
 - *I hear the events repeated, step by step.*
 - *I think the author is showing those lines are important.*
 - *I think the repeated lines show how King Lion is figuring out what really happened.*
 - *Maybe the author is showing how each event made something else happen.*

Reread the chain of events from page 21. As you read each event, place one domino in a line, in a place easily visible to students. After reading the final event, knock down the domino chain.

Extension

Prior to the lesson, locate images of the animals in *Why Mosquitoes Buzz in People's Ears* and attach a character image to each domino. This will provide a visual reinforcement for the cause and effect nature of the story.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000024).

“What is the main word part?”

Volunteers respond.

- *Kind!*

Reinforce that because *un-* means “not” the new word is the opposite of the main word part: *kind*.

Encourage students to use the illustration and knowledge of both word parts to determine the meaning of *unkind*. Instruct students to Think-Pair-Share, and ask:

“What does *unkind* mean?”

Volunteers respond.

- *Because the iguana is being mean to the mosquito, it could mean, “mean.”*
- *It could mean “not kind” or “not nice.”*

Use student responses to determine the meaning of *unkind* as “not nice.” Record this definition next to *unkind* on the board.

Display pages 9–10 of the text and read: “The owl was unwilling to call the sun.” Call on a student with a thumbs-up to identify the word starting with *un-*.

- *Unwilling.*

Organize students into pairs. Explain that students are going to work with their partner to figure out the meaning of the word *unwilling*. Reinforce that students should use the meaning of the word beginning *un-* and the main word part *willing*, and the illustration of the owl as clues to help them.

Land

- ✓ Distribute an index card to each pair. Display pages 9–10 and read the sentence again. Students work together to determine the meaning of the word *unwilling*. Allow time for students to discuss their ideas. Encourage students to write or draw their ideas on the index card. Circulate to provide support and ensure understanding of the word beginning *un-*.

Use Equity Sticks to call on pairs to share their ideas.

- *Mother Owl could not bear to call the sun.*
- *Mother Owl would not wake the sun.*
- *Mother Owl did not want day to come.*

Use student responses to determine the meaning of *unwilling* as “not wanting to do something.” Record this definition on the board.

Ask:

“Why was Mother Owl unwilling to call the sun?”

Volunteers respond.

- *Because she was so sad one of her babies had died.*

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000025).

Extension

Prior to the lesson, locate images of the animals in *Why Mosquitoes Buzz in People's Ears* and attach a character image to each domino. This will provide a visual reinforcement for the cause and effect nature of the story.

Ask:

“How is this domino chain similar to what happens in the story?”

Volunteers respond.

- *It's like how the python was scared, and then he scared the rabbit, and the rabbit scared the crow, and then it kept going.*
- *Little things happened and led up to a big thing happening.*
- *All the animals' actions led up to the night lasting too long. Each one played a part.*

Instruct students to Think-Pair-Share, and ask:

“What is the essential meaning of the story? What life lesson does it teach you?”

Call on several students to respond.

- *Don't lie.*
- *A small lie can turn into a big problem.*
- *Ask questions to get to the bottom of a problem.*
- *Things aren't always the way they seem.*

Select three or four strong responses and write each essential meaning on a large piece of paper. Post each poster in a different area of the room.

- ✓ Students select the essential meaning that stands out the most to them from the story. They walk to the area of the room with the poster showing their selected essential meaning. Use Equity Sticks to call on at least two students from each area to explain their thinking.

Learn - Explore Sound Effect Words

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000026).

302. Again, Wit & Wisdom is following the “Generative Word” concept as described above by James Lindsay by eliciting responses from children regarding fault and punishment; requiring children to discuss why the animals are “still mad at the mosquito”; and discussing words such as “uncertainly, unkind, and unwilling.”

First Grade

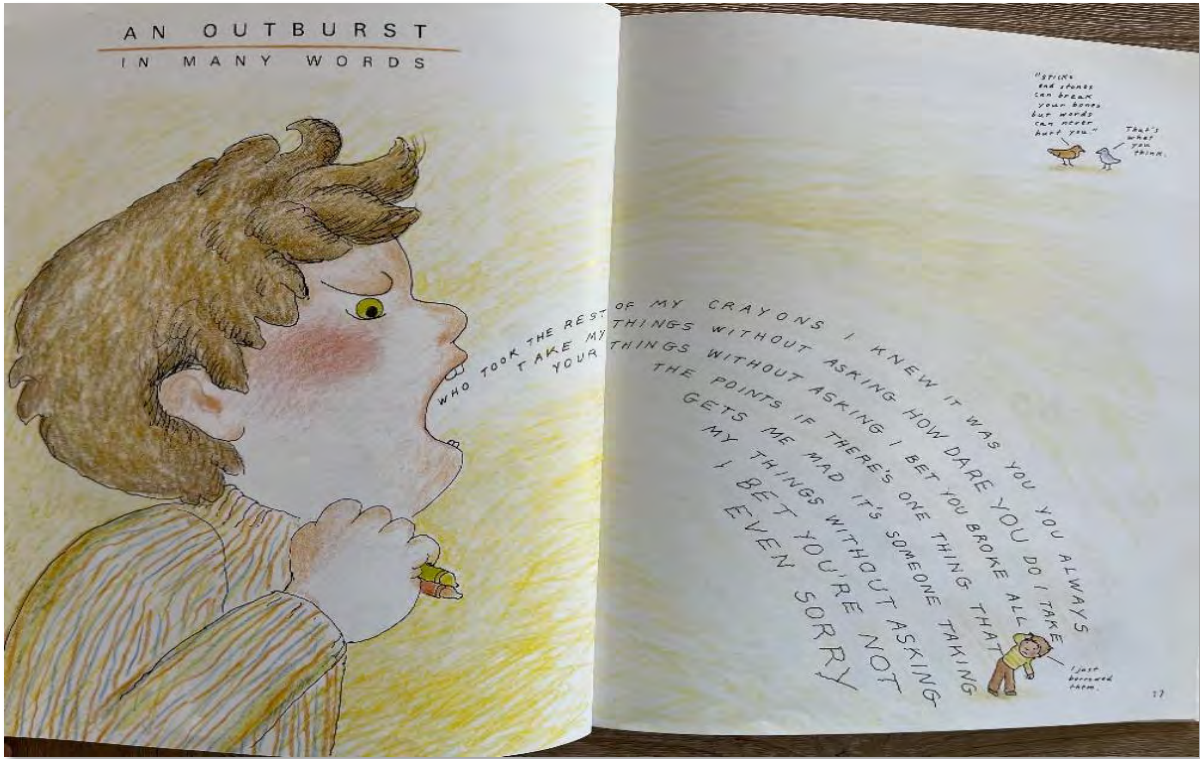
303. There are five books of concern in the first grade, Sea Horse: The Shyest Fish in the Sea; What Do You Do With a Tail Like This?; Brave Irene; Feelings; and The Rough-Face Girl.

304. Two Hundred and Forty Eight times the following phrases or words appear throughout First Grade's Modules 1-4 Teacher manuals: "describe feelings", "emphasize feelings", "feel", "feeling," "how would you feel", and "how do you feel".

305. As explained by James Lindsay, when Wit & Wisdom is constantly asking students to describe feelings, emphasize feelings, feel, feeling, how would you feel, or how do you feel; it is having students to partake in the problematizing process. It is leading students to see the "problematics" with whatever situation is presented through the text and connect them to unjust power dynamics and see the unjust power in each circumstance. (See Affidavit of James Lindsay ¶¶125-126).

306. Feelings, is a book that is full of anger, hate, and other negative emotions; including, bullying/mean behavior, dark content, extreme jealousy, unfiltered anger, death of a pet, insecurity, and name calling. It even portrays the feeling of jealousy as a little girl who wants to choke the girl she hates. It is highly age inappropriate, and puts the teacher in the position of counselor.

307. Excerpts from the book Feelings:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000027).



WHISKERS



Whiskers died.



Oh, poor Whiskers.



You had her so long.



I'm sad for you.



She was old.



She was sick.



She had to die sometime.



My heart is broken.



She was silly.



She was funny.



WHISKERS

We'll miss you, Whiskers.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000029).

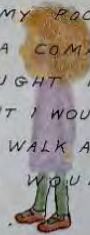
CHICKEN POX



DID YOU MISS ME? I HAD THE CHICKEN POX. THE DOCTOR SAID IT WAS THE WORST CASE HE HAD EVER SEEN. I FELT SICK AND TERRIBLE. I HAD BIG RED SPOTS ALL OVER. I COULD HARDLY BREATHE. MY HEAD WAS SO HOT IT MELTED ALL THE ICE CUBES IN THE TOWEL IN TWO SECONDS. MY FEET WERE FROZEN. I COULDN'T EAT. MY TEMPERATURE WAS SO HIGH IT ALMOST BROKE THE THERMOMETER. I Poured SWEAT. I WAS SO TIRED I COULD HARDLY LIFT A FINGER. I DIDN'T EAT FOR DAYS AND DAYS AND DAYS. MY MOTHER WAS AFRAID I WOULD STARVE. I HAD TO TAKE THIS HORRIBLE MEDICINE THAT MADE ME THROW UP ALL OVER THE PLACE. THE DOCTOR CAME AND GAVE ME A SHOT. IT FELT LIKE A TEN-FOOT NEEDLE. NOTHING HELPED. I NEVER FELT SO MISERABLE.



ONE DAY I SLEPT 15 HOURS. MY POOR FATHER THOUGHT I WAS IN A COMA. I WAS DELIRIOUS. I NEVER THOUGHT I'D GET BETTER. I NEVER THOUGHT I WOULD BE ABLE TO GET UP AGAIN AND WALK AND COME TO SCHOOL. I THOUGHT I WOULD NEVER BE ABLE TO TELL YOU...



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000031).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000033).

308. The accompanying Teacher Lesson plan directs the teacher's focus on helping children notice or discuss new words such as “petrified”, “paralyzed”, “delirious”, and “impatient.” It also gives “examples of questions that would show that students are seeking more specifics about the definition of the word could include, “What type of word is starve?” “Does starve have something to do with eating?” “does miserable mean feeling sick or bad?”

Learn

Determine Meaning of Unknown Word

PAIRS

Highlight any words that students asked questions about during the previous activity. If they did not mention any words, remind them that readers often have questions about the meanings of some of the words in a text when reading it for the first time.

Explain that today students will act as “word detectives” and use clues from the text to figure out the meaning of an unknown word.

Display and read aloud two sentences from page 10: “The dragon’s long green claws were grabbing at his neck. The boy was paralysed with fear.”

Teacher Note

You may wish to mention to students that the word *paralyzed* is sometimes spelled with an s as in the text, but in the future they will probably see it spelled with a z, which is the American English spelling.

Alternate Activity

If students asked questions about other words with sufficient context, consider substituting a word for *paralyzed*.

Point to the word *paralyzed*. Have students repeat the word.

Ask:

“What questions do you have about the word *paralyzed*?”

Tell pairs that they will look at the illustration on this page for clues about what *paralyzed* means. Explain that looking at the illustrations is one strategy to help readers figure out the meaning of a word. Remind students that they have done this when they used the Outside-In strategy in previous lessons. Illustrations can help readers better comprehend, or understand, what is going on in text.

Instruct students to Think-Pair-Share, and ask:

“What in the illustration might tell you what *paralyzed* means?”

Use Equity Sticks to call on students for responses.

- The illustration shows a boy who looks really scared.
- The boy is really still.

Ask:

“Based on what you found in the illustration, what do you think *paralyzed* means?”

- I think paralysed means scared.
- I think paralysed means not moving.

Explain that *paralyzed* means “to be unable to move.” Explain that the boy was so scared or frightened that he could not move. Reread the sentence: “He was paralyzed with fear.” Add the word, definition, and an illustration to support the definition to the Word Wall.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000035).

Learn

Experiment with Asking Questions to Clear Up Confusion

WHOLE GROUP

Remind students that one of their Speaking and Listening goals for this module is to ask for more information while pointing to this goal on the Speaking and Listening Anchor Chart. One way to do this is to ask questions about things we might be confused about.

Read aloud the Craft Question:

How do I ask questions to clear up confusion about texts and topics?

Instruct students to Think-Pair-Share, and ask:

What words do we use to ask questions to clear up confusion when we are reading or discussing texts?

Call on pairs to share their responses.

- *Who*
- *What*
- *Where*
- *When*
- *Why*
- *How*

Share with students that question words help them formulate questions to help clear up confusion they may have about the text.

Remind students how they have been practicing asking questions about words they are confused about.

Display page 25 in *Feelings*. Read the sentences, “I didn’t eat for days and days and days. My mother was afraid I would starve,” and, “I never felt so miserable.”

Instruct students to Think-Pair-Share, and ask:

“What questions do you have about unknown words in these sentences?”

- ✓ Students share their question about an unknown word with a partner. Circulate and record their questions on the checklist in [Appendix C](#).

Teacher Note

This activity as well as the word-detective activity later in the lesson will provide the opportunity to assess [RI.1.4](#) as students will be asking questions about unknown words in the text. Be cognizant of the type of questions students are asking. Questions should focus on clarifying the meaning of the words. Examples of questions that would show that students are seeking more specifics about the definition of the word could include, “What type of word is *starve*?” “Does *starve* have something to do with eating?” “Does *miserable* mean feeling sick or bad?” Students who need more practice with this standard can be assessed later in the module. Other opportunities include vocabulary instruction during Lessons 26, 27, and 28. Students will be assessed on the other part of [RI.1.4](#), answering questions about unknown words, during a New-Read Assessment.

After students have shared their questions with their partners, briefly define the words *starve* and *miserable*. Explain that *starve* is a verb that means “to suffer or die from not eating” and *miserable* is an adjective that means “very unhappy.”


(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000036).

Learn



Organize Feelings

PAIRS

Tell students that they will be working in pairs to find specific examples in the text, either in the words or illustrations, of two more types of feelings. Explain that students will focus on one feeling, either furious or sad, even though there are more feelings represented in the book.

Display the Feelings Words Anchor Chart  and add the two feelings words. Provide definitions for these words as needed so that students can understand the nuances between different types of feelings words. Have students make the corresponding furious and sad face. Include emojis next to the feelings words as picture support.

FEELINGS WORDS ANCHOR CHART

Text	Feelings
<i>Feelings</i>	 furious  sad

Pairs can choose the feelings word they want to find evidence for, or these words can be assigned to pairs. Pairs orally discuss and flag text evidence with a sticky note to support their assigned feeling.

Circulate as small groups discuss and flag pages with sticky notes. As students notice their assigned feeling, encourage them to consider, “What in the text makes you think that?”

Call on groups to share their findings with the class. Student responses may include:

(furious)

- On page 5, there is a picture of a girl who could be furious. She tries to kick the boy and is yelling at him.
- On page 9, a lot of the kids look really mad at John. Tom also looks really mad that John knocked down his blocks. He looks like he is shouting at John.
- On page 11, Kate looks really furious. She has a mad face and is growling and says, “I HATE ALICIA” in all caps.
- On pages 16–17, the boy is yelling at another boy and his face looks really furious. The words coming out of his mouth are in all caps and he says that gets him mad when someone takes his things.
- On page 18, the little boy looks furious. His eyebrows are pointing down and he is yelling “NO!”
- On page 31, there is a picture of a boy who is furious. The text says “furious” and he looks very mad.

(sad)

- On page 5, the boy looks like he feels sad after the girl yells at him.
- On page 15, the girl and boy look sad. The girl’s pet Whiskers died and she is crying. The boy says he is sad for her and also looks sad.
- On page 24, I see a little kid crying.
- On page 26, Bob looks sad about giving a sundial to Alfred for his birthday. He is frowning.
- On page 31, there is a picture of a boy who is sad. The text says “sad” and he has tears coming from his face.

Accept all answers as long as they can be supported with text evidence. As students are sharing, record whether they notice the feeling in the words and/or illustrations to assess their learning.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000038).

309. Words such as “petrified”, “paralyzed”, “delirious”, “impatient,” and “starve” are “generative words”.

310. The accompanying homework assignment asks that students explain “Why does Kate want to choke Alicia?” The answer Wit & Wisdom is looking for is, “Maybe its because Kate wants curly hair like Alicia.”

Questions	Answers in P ←
<ul style="list-style-type: none"> ▪ (Q1) What does petrified mean? ▪ (Q2) Why is the girl on page 22 so bored when she has so many toys? ▪ (Q3) Why does Kate want to choke Alicia? ▪ (Q4) How does John feel on pages 8-9? ▪ (Q5) What does conscience on page 12 mean? ▪ (Q6) Why are there titles on almost every page? 	<ul style="list-style-type: none"> ▪ (Q2) I play t ▪ (Q3) want ▪ (Q4) the b awf ▪ (Q6) a lo the nee

As time allows over the course of the course Chart at the close

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000039).

D ANSWERS CHART

	Answers in Progress ←————→	Complete Answers ✓
<p>ge</p> <p>so</p> <p>to</p> <p>n</p> <p>ce</p> <p>on</p>	<ul style="list-style-type: none"> ▪ (Q2) Maybe the girl wants to play with another person. ▪ (Q3) Maybe it's because Kate wants curly hair like Alicia. ▪ (Q4) John looks sad, but the bird said John must feel awful. ▪ (Q6) It seems like there are a lot of different stories in the book. Maybe each story needs a new title. 	

... course of Lessons 8-12, revisit the Questio

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000040).

311. The Committee recommended that instructional adjustments take place when teaching from this book; and during the “shades of meaning” exercise in lesson 12, the teacher should use the word ‘happy’ or other positive emotions. It was also stated that “it is important to consistently create a balance with ‘positive’ emotions when reading the text.” And that “students who are needing additional support in reading about and discussing feelings should be supported in whatever manner the professionals in the school building deem appropriate.”

312. When a school or teacher needs to elicit the support of professionals because of a book, that book is clearly poses a risk of emotional trauma in children.

313. Sea Horse: The Shyest Fish in the Sea; describes how sea horses have sex, how long they have sex, and describes how the male fish get pregnant.

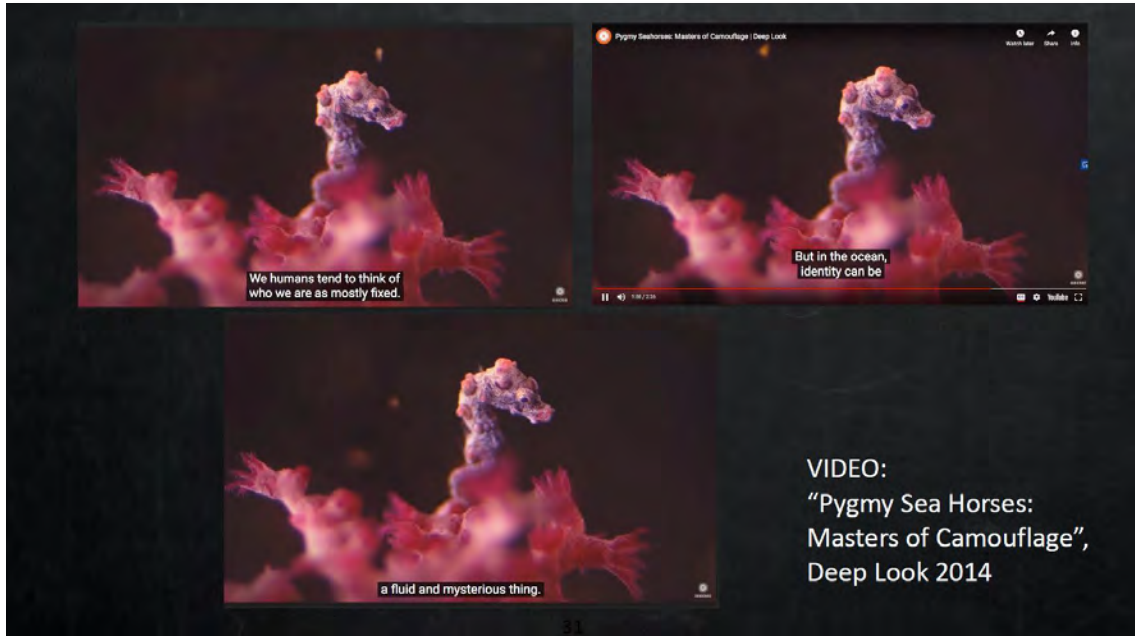
314. Excerpt from the book explaining the mating of sea horses:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000041).

315. The lesson plan for this book has a video that accompanies it.

316. The accompanying video repeats instruction on the mating ritual and process, and discusses the male seahorse giving birth. The video also states that, “we humans tend to think of who we are as mostly fixed, but in the ocean, identity can be fluid and mysterious thing.” Introducing the notion of gender fluidity to first graders.



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000042).

317. The lessons are highly age inappropriate, introducing ideas that attempt to normalize males becoming pregnant, and suggesting gender can be fluid.

318. The Committee recommended instructional adjustment and that the book be read aloud, and pages 12 and 13, which house the questionable content should not be displayed. It also recommended that teachers consider watching the accompanying video without the narration.

319. Essentially recommending censoring the inappropriate content, instead of finding a more suitable alternative.

320. As James Lindsay explained “by introducing a lesson on ‘acceptance’ and ‘dignity’ regarding gender and sexual themes with young children, it is likely that many of the students will be encountering these ideas for the first time, thus ‘necessitating’ further discussion, which the schools may or may not facilitate and into which parents may be co-opted without their consent.” The “justification for this bait-and -switch approach to education is that it produces higher engagement by connecting to the learners more effectively at the level of their lived experience

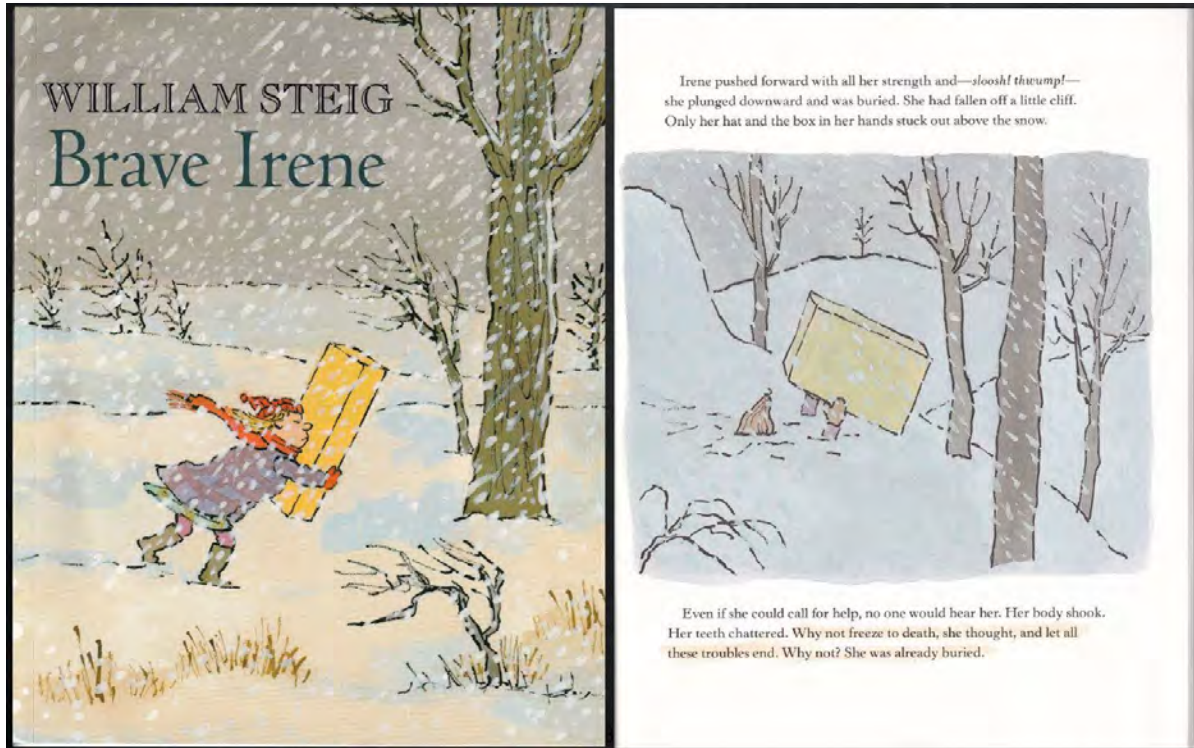
while educating the learning in the political meaning and implications of their lives.” (See Affidavit of James Lindsay ¶¶79-80).

321. What Do You Do With A Tail Like This, is a book about various animals with sharp teeth or which are poisonous. It is very graphic in nature with text discussing a horned lizard squirting blood from its eyes, as well as animals that kill or bite humans.

322. The Committee recommended its use, but reported that “teacher[s] should pay special attention to any students who may demonstrate fear or anxiety around the pictures in the text and should handle accordingly with support staff or school counselor.”

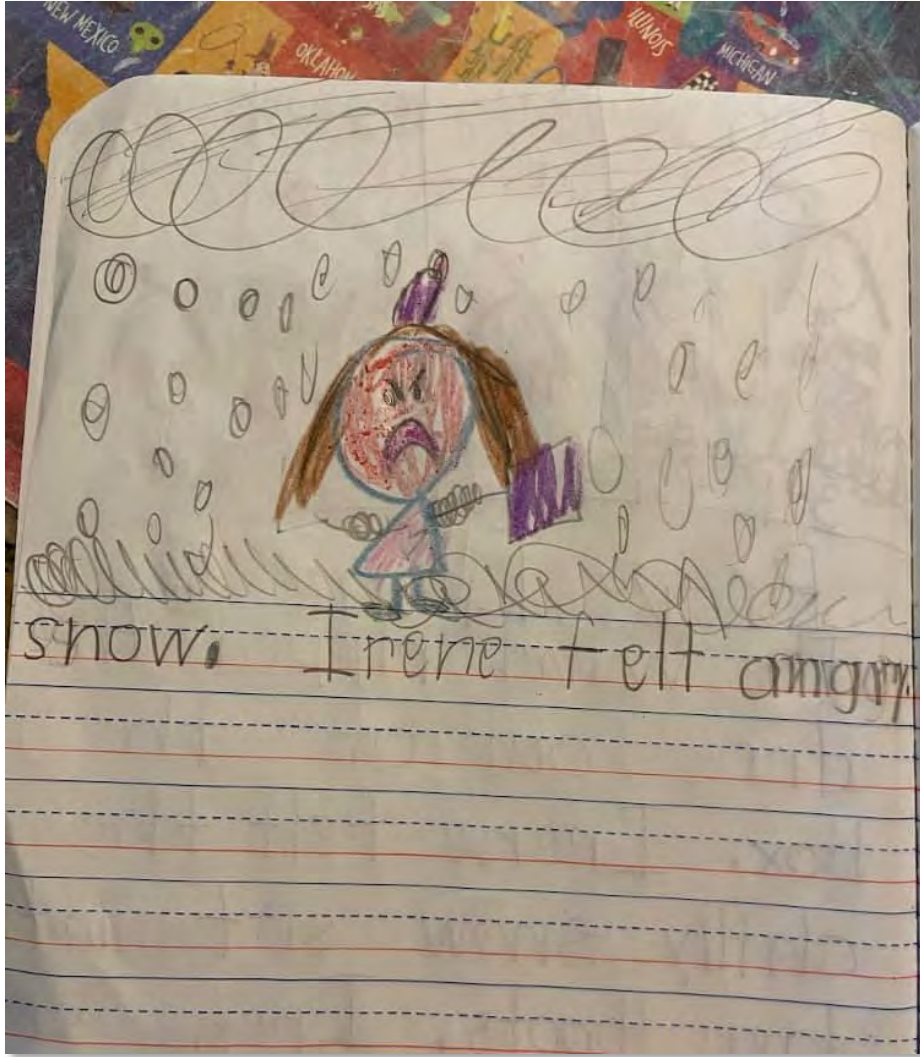
323. By endorsing and implementing this book, the Defendants acknowledge that children may demonstrate fear or anxiety as a result of this age-inappropriate book.

324. Brave Irene, is a book that is replete with instruction of negative and dark emotions. It is about a child that gets stuck in the snow and contemplates suicide. A prominent line reads, “Why not freeze to death, she thought and let all these troubles end. Why not? She was already buried.”

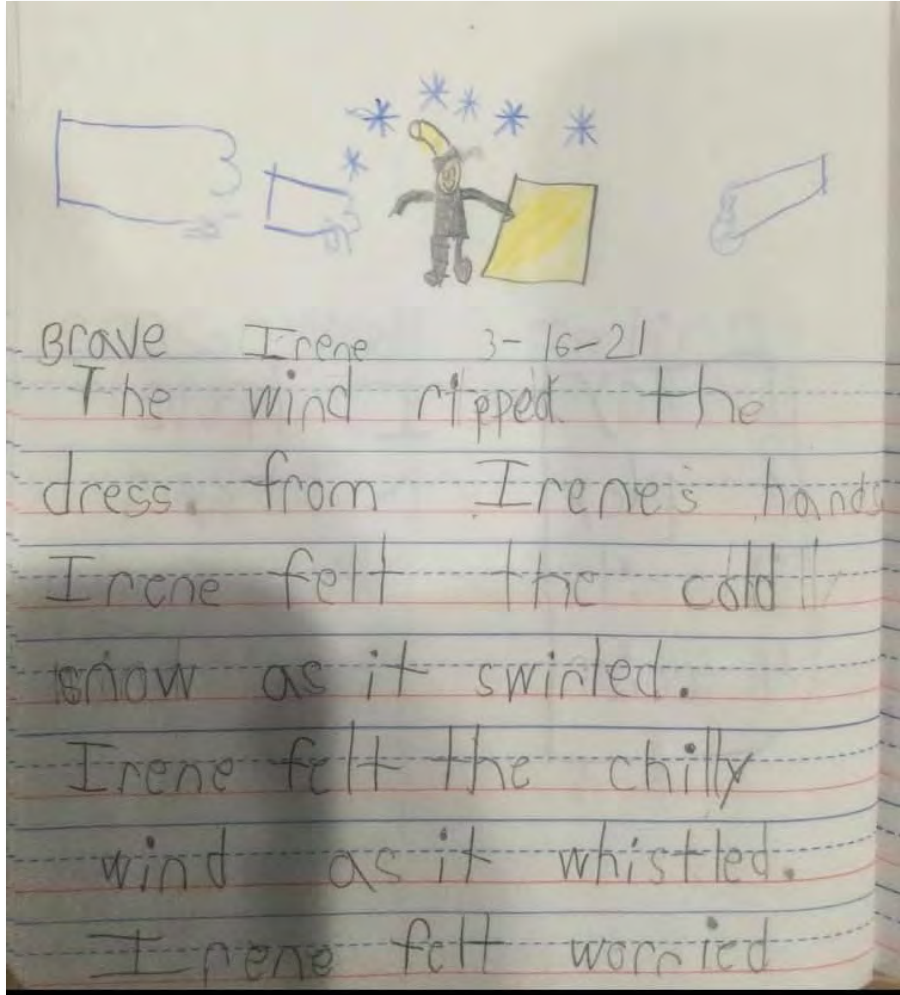


(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000043).

325. Examples of students homework assignments demonstrate the dark nature of Brave Irene:

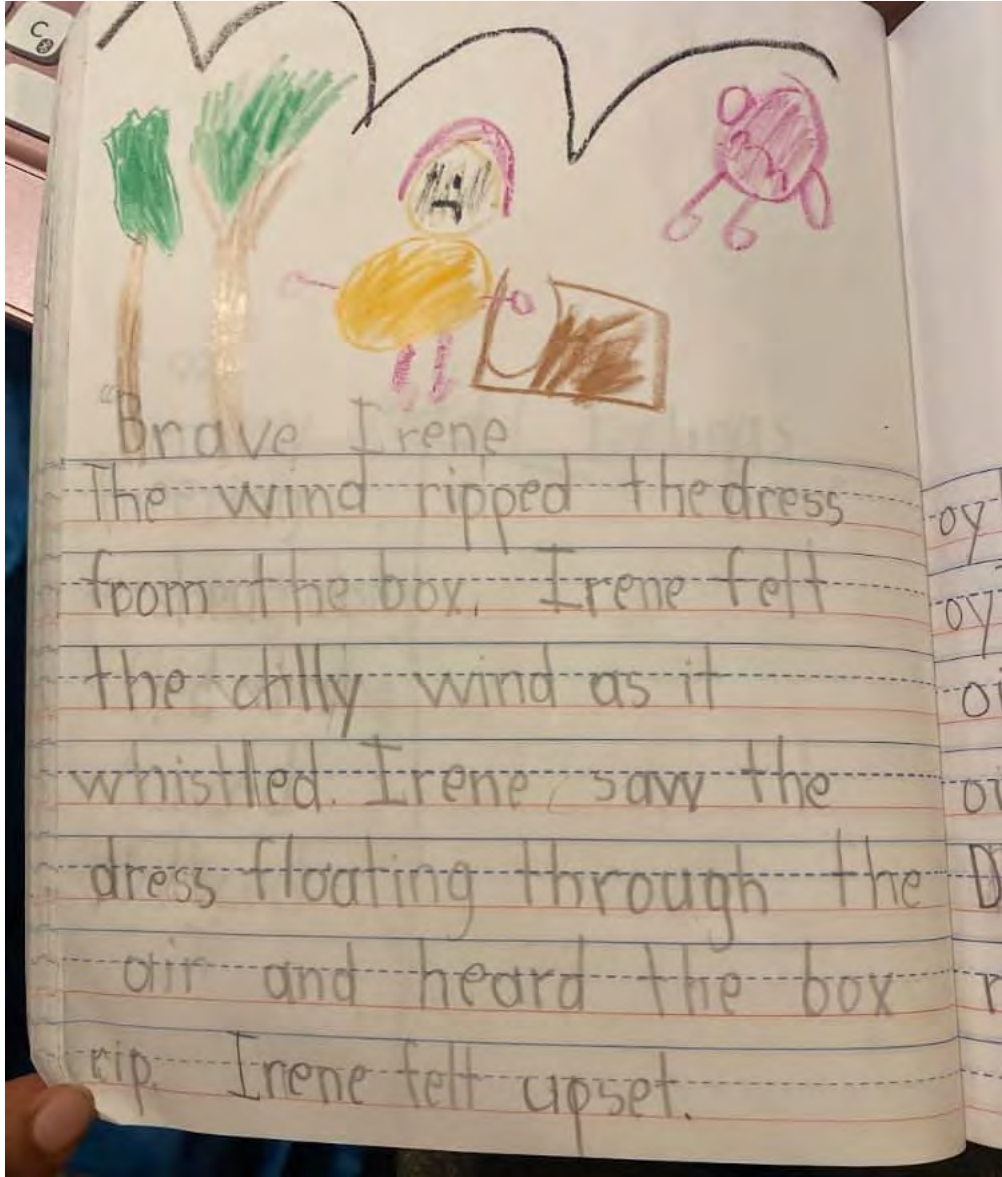


(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000045).



Grave Irene 3-16-21
The wind ripped the
dress from Irene's hands
Irene felt the cold
snow as it swirled.
Irene felt the chilly
wind as it whistled.
Irene felt worried

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000044).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000046).

326. The Committee did not think that this line was troublesome, stating that “the text reaches a different conclusion as it relates to the contemplation of suicide.”

327. In Module 4 First Grade read the Book The Rough-Face Girl; the “Welcome” lesson for this book in this module notes the following:

Welcome 🕒

Examine Map

Show students the world map on the inside front cover of the text. Ask students to share verbally the continents or countries where some of the stories they have read this year took place. Responses could include Africa (*Me...Jane*), Malawi (*The Boy Who Harnessed the Wind*), Colombia (*Waiting for the Biblioburro*), and the many more countries featured in *My Librarian is a Camel*.

Explain to students that they will be traveling around the world through books during this module as well.

Point to the countries on the map and **Echo Read** them to emphasize this important knowledge.

Explain they will read be reading different versions of, or ways of telling, the same story. Each version comes from a different country around the world, but many parts of the story are the same around the world. As they listen to the story being read today, their job is to figure out what that story is.

Teacher Note

As students journey through several countries of the world via the Module 4 texts, consider bringing in other resources such as websites like *Time for Kids: Around the World* (<http://witeng.link/0384>) to explore in further detail the countries where the Cinderella stories are set in order to build background knowledge to help students access the stories.

Launch 🕒

Teacher Note

Because reading the Essential and Focusing Questions would reveal the title of the fairy tale, the Essential Question will be introduced later in the lesson while the Focusing Question will be introduced during Lesson 2.

Post and read aloud the Content Framing Question. Have students Echo Read the Content Framing Question.

Tell students that next they will be trying to figure out the story and the character featured in *Glass Slipper*, *Gold Sandal* that many people admire throughout the world.

Teacher Note

Students may react strongly to some aspects of these traditional Cinderella stories. Allow students to experience the text themselves and grapple with their own questions—about the roles of young women and girls in various eras, for example. Provide time for students to discuss questions they may have and be mindful to convey that these stories represent different time periods.

In the traditional Cinderella fairy tale, the main character is treated poorly by members of her own family. This may be a sensitive issue for some students as well.

While many of the Cinderella characters did not complain about their mistreatment, it is important for students to understand that in real life, when someone is being mistreated, he or she should confer with a trusted adult. Consult school guidance resources as needed on how best to deal with this potentially sensitive topic.

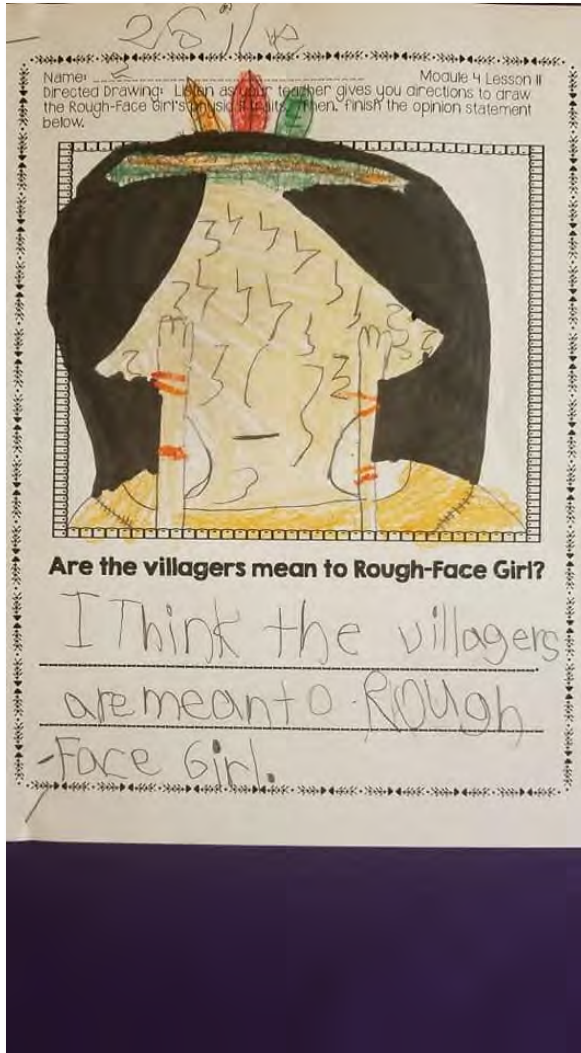
(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000047).

328. The Rough-Face Girl, is basically a Cinderella story about an Algonquin Indian girl who has two mean sisters. The girl was made to sit by and tend to the fire. Sparks fell on her, burning her hands, arms, face and hair causing her to have a rough face.

329. It also includes a picture of the main character topless, bathing in the river.

330. Students homework assignments demonstrate the depressive nature of The Rough-

Face Girl:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000049 and PCT000050).

331. The Committee found nothing inappropriate about the book, and does not find a picture of a girl topless, bathing to be an issue because her hair covers her chest.

Second Grade

332. The Second Grade Module 1 summary within the Teacher Manual states that: “[t]he knowledge gained in the module provides a foundation for understanding the complex changes students will encounter in text and in their lives.”

The screenshot displays a digital interface for a Grade 2 Module 1: A Season of Change (Trial). The left sidebar lists various module components, with 'Module Summary' selected. The main content area features a title 'Module Summary' and a quote by John Burroughs. The text explains how students learn about change through seasonal cycles, character study, and art. It also mentions an End-of-Module (EOM) Assessment where students write an informative paragraph.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000052).

333. As James Lindsay explains in his affidavit, the reason Wit & Wisdom is laying out the goal for Module 1 in such a fashion, it is following the idea of Freire's methodology on Codification; the message is "it is you who were presented in this codification, which you now understand is very problematic." This is accomplished through appeals to empathy, so that students learn to feel themselves as the characters in the codified stories with which they are presented. (Affidavit of James Lindsay ¶¶131-132).

334. For nine weeks, Wit & Wisdom, in Module 3 of the second grade focuses repeatedly and daily on very dark and divisive slivers of American history. Without highlighting the positive achievements, like unity and the overall improvement of our country, students fail to learn and appreciate the continual progress in America and its accomplishments towards forming a more perfect union.

335. Phrases or words that appear in the four Modules for second grade are mentioned 141 times include: "describe feelings", "emphasize feelings", "feel", "feeling", "how would you feel", and "how do you feel". In Module 3, those phrases or words appear 78 times.

336. Again, when Wit & Wisdom is focusing on asking students to discuss how characters feel or felt in certain situations, Wit & Wisdom is having students "problematize", a teaching method taken from Friere's playbook according to James Lindsay.

337. In Module 3 alone, the following words or phrases appear: "justice" appears 13 times; "injustice" 106 times; "hero" only three times; "skin color" 28 times; "segregation" 33 times; "change" 55 times; and "white people" 61 times.

338. All of these words are "generative words".

339. In the historically inaccurate book, The Buffalo are Back, the author claims that the government was intent on killing buffalo and Indians for a railroad. It contains negative

comments about the government and hating the Native Americans and killing all the buffalo. The story implies that the government hated Native Americans and killed the buffalo, so they had nothing to eat.

340. The teacher manual elicits answers from students and prompts students to discuss negative commentary regarding the United States government including the following:

Ask:

“How could we describe the major event?”

Volunteers respond.

- *New people came west.*

Create the card and walk to the timeline. Post the large main event card above the 1850s marker.

Teacher Note

Second graders need not memorize specific dates, but they can grasp understand the concepts of long ago, times in-between, next, and now. They should also be able to sequence events. Dates are helpful markers for posting things in correct order.

Read aloud pages 10–11.

Instruct students to Think-Pair-Share, and ask:

“What is the main topic in this part of the text? What is this section telling us about what happened next in America?”

Use Equity Sticks to call on students to answer.

- *There was trouble in the plains because there was fighting.*
- *The buffalo were shot by settlers.*
- *There were battles with American Indians.*

Read aloud the sentence “The government broke its treaties with the Indians.” Explain that *treaties* are formal agreements between governments. In this case, there was a treaty between the American Indian tribes and the United States. Breaking a treaty is like breaking a promise.

Ask,

“How could we describe the major event?”

- *We could say there were Indian Wars.*

Create the card and walk to the timeline. Post the large main event card above the 1850s marker, a little after the previous card.

Read aloud pages 12–19.

Instruct students to Think-Pair-Share, and ask:

“What is the main topic in this part of the text? What is this section telling us about what happened next in America?”

Use Equity Sticks to call on students to answer.

- *There was no rain.*
- *The fences kept the animals in.*
- *The fields were plowed up.*
- *Grasshoppers came.*
- *There was too much dust for crops to grow.*

Use student responses to reinforce the definition for *drought*. Explain that droughts are long periods of time without rain.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000053).

341. In another part of the lesson plan, the manual directs the teacher to have the children discuss “links between the American Indians and the government. How did this affect the buffalo?”

And is looking to elicit the following answers:

Learn

Make Connections

WHOLE GROUP

Remind students how important topic-specific words are to being able to understand and make connections about a text.


Distribute Handout 3A.

Teacher Note

To maximize time, consider cutting up this handout ahead of time.

Students work independently to choose two cards they believe are connected. Then, they share their connection with a partner and choose one connection to share with the whole group.

Explain that students should continue to think about the connections between these words as they revisit sections of *The Buffalo Are Back*. Students listen for topic-specific vocabulary as you read, holding up the corresponding Response Card for words they hear.

 Remind students to prepare to listen.

Read the sections specified below, pausing after each section to call on students to identify the topic-specific words. Then, use the associated TDQ to support students in identifying connections. Look for opportunities to both reinforce and extend students' initial thinking about the interaction between various people, plants, and animals.

Instruct students to Think-Pair-Share for each TDQ. Use Equity Sticks to call on pairs to share their thinking.

- 1 What connections do you hear between the American Indians, the buffalo, and the grass on page 6?**
 - *The Indians set fire to the grass to keep it healthy.*
 - *American Indians took care of the grass, which took care of the buffalo.*
 - *The buffalo were the American Indians' food and used to make shelter and clothing.*
 - *The buffalo didn't eat too much grass and their hooves helped water to get into the soil.*
- 2 Page 11 describes links between the American Indians and the government. How did this affect the buffalo?**
 - *The government broke its treaties with the American Indians.*
 - *The government wanted to hurt the Indians so they killed the buffalo.*
 - *The Indians couldn't stay on the plains without the buffalo.*
- 3 On page 16, how are settlers linked to the buffalo? How are the buffalo linked to the grass?**
 - *The farmers' crops died because the buffalo were gone and they couldn't keep the prairie grass healthy.*
- 4 What connections do you hear between President Theodore Roosevelt and the buffalo on page 20 (paragraph 1) and page 23 (paragraph 2)?**
 - *Roosevelt loved buffalo because he loved nature.*
 - *Roosevelt established a place in Montana for buffalo to be safe.*
 - *Roosevelt made it illegal to shoot a buffalo.*

As students share, record topic-specific vocabulary words and the connections between them on a connections chart similar to the one below.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000055).

- *Roosevelt loved buffalo because he loved nature.*
- *Roosevelt established a place in Montana for buffalo to be safe.*
- *Roosevelt made it illegal to shoot a buffalo.*

As students share, record topic-specific vocabulary words and the connections between them on a connections chart similar to the one below.

Alternate Activity

Pairs use sticky notes to record their connections. Circulate and choose connections to add to the class connections chart, adding clarifying language and returning to the text as needed.

SAMPLE CONNECTIONS CHART

Who/What	Connection	Who/What
American Indians	kept the prairie healthy by setting fires to give it nutrients	prairie
American Indians	used the buffalo for food, shelter, and clothes	buffalo
buffalo	kept the prairie healthy making holes in the soil with their hooves	prairie
prairie	provided food for the buffalo	buffalo
government	broke treaties with the American Indians	American Indians
settlers	killed as many buffalo as they could	buffalo
settlers	destroyed the prairie by planting crops where there was native grass	prairie
government	helped to bring back the prairie	prairie

Teacher Note

Students will likely contribute simpler phrases than the ideas provided above. As needed, simplify the charted language so students will be able to access the ideas.

Read the Content Framing Question, and ask:

“What are some connections we found?”

Volunteers respond. As needed, support them in identifying the topic-specific word in each example.

- ✓ Students pick one connection and write a sentence about the connection in their Response Journals.

Scaffold

Pull students together into a small group if they are stalled on the writing component. Ask:

“How are the buffalo and the prairie connected? How are the people and the prairie connected? How are the buffalo and the people connected?”

After each question, listen to several responses. When a student provides an accurate response, send them back to work independently and continue with others.

Explain that now students will practice with using topic-specific words in their own writing.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000056).

342. In one of the handouts to students the first line reads, “People wanted to hurt others, so they killed animals.”

G2 | NJ | Handout 3B - WIT & WISDOM™

Name: _____

Handout 3B: Topic-Specific Words

Directions: Read the sentences. Circle words that are not topic-specific. Near each circled word, write a topic-specific word to replace the circled word.

1. People wanted to hurt others, so they killed animals.
2. Workers taught some people how to make the land healthy again.
3. The buffalo's legs poked holes in the ground, which helped plants get water.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000057).

343. The teacher manual is again eliciting from the students the following answers to Handout 3B:

Learn

Experiment with Topic-Specific Words

PAIRS

Ask:

“Why are topic-specific words important?”

Volunteers respond. Reinforce that topic-specific words help writers clearly communicate ideas about a topic, including connections they can make between ideas.

Display and read aloud the Craft Question:

How do topic-specific words work?

Explain that students will experiment with topic-specific words to precisely describe relationships between different people, plants, and animals in *The Buffalo Are Back*.

Distribute Handout 3B. Read the directions aloud. Students Echo Read the three sentences about connections.

✓ Each student completes the handout, discussing ideas for topic-specific words with a partner.

Scaffold

Review relevant vocabulary words from students' Vocabulary Journals and Response Cards. Review other relevant words such as *soil* and *hooves*. Use the words to create a word bank for students to reference while completing the handout.

- *The government wanted to hurt the Indians so they killed the buffalo.*
- *Government workers taught farmers how to make the prairie healthy again.*
- *The buffalo's hooves poked holes in the soil, which helped the grass get water.*

Students Choral Read the completed sentences. Explain that now that students have a strong understanding of these words, they are ready to think about how they will use them in their Focusing Question Task.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000058).

344. The Lesson plan calls for students to divide people into good and bad; and discusses how the U.S. government and farmers' actions had a negative impact on the prairie:

Welcome/Launch

Learn

Determine the Essential Meaning

WHOLE GROUP

Ask students to look at their Response Card piles created earlier in the lesson. Ask:

“How did you sort your Response Cards?”

Volunteer respond.

- Some people were good for the prairie. They did things that helped keep it healthy.
- Some people were bad for the prairie. They did things that hurt it.

Use responses to reinforce that people’s actions can cause certain changes or events to happen. Sometimes these changes or events can be good, which means they have a *positive* impact. Model using the nonverbal signal of a thumbs-up to indicate *positive*. Sometimes these changes or events can be bad, which means they have a *negative* impact. Model using the nonverbal signal of a thumbs-down to indicate *negative*.

Ask:

“Who did you put in the bad pile? Who had a *negative* impact on the prairie?”

Volunteers respond.

- Farmers had a negative impact on the prairie. They didn’t see how the buffalo’s hooves helped the prairie. The cows just pushed down the ground.
- Farmers had a negative impact on the prairie. They plowed up the land, instead of keeping the grass.
- The government had a negative impact. They paid settlers to kill buffalo. And the buffalo died without the healthy prairie.

Ask:

“Who did you put in the good pile? Who had a *positive* impact on the prairie?”

Volunteers respond.

- The American Indians were good because they burned the grass. That gives it nutrients.
- The president was part of the government. Theodore Roosevelt helped the prairie by bringing buffalo back. That was a positive impact.
- The government also made a positive impact. They taught farmers how to plant crops in better ways.
- The farmers helped because they planted the grasses again. This was a positive impact.

As needed, follow up with specific questions such as:

Why did you say settlers had a negative impact on the prairie?

Why did you say the government had a negative impact on the prairie?

How did the government have a positive impact later on?

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000060).

345. These lessons are perfect examples of the codification process explained by James Lindsay. The lessons are asking the students to identify how the people felt, or what the people did, or critique what was wrong with the situation, all under the auspices of developing an awareness. (Affidavit of James Lindsay ¶¶129-130).

346. The Committee found nothing wrong with The Buffalo are Back, and stated that “the book is not intended to provide an in-depth understanding of all the issues noted in the text.”

347. Another book which purposefully portrays white people in a negative light is Plains Indians. The text states that “White Americans were mean to Native Americans.”

348. In the teacher manual, the “welcome” lesson for Plains Indians states in the teacher note that “this text may be especially challenging for Grade 2 students.”

349. The teacher manual calls for the students to discuss how the “people took away their home and way of life” and how “it’s important that the Plains Indians were forced to move to reservations.” The manual calls for students to compare and contrast the Plains Indians’ lives in the 1800s and today and discuss that “they fought for their rights then and they fight for their rights now.”

Learn

Prepare for a Socratic Seminar

WHOLE GROUP

Share with students that today is the last day they will work with *Plains Indians* and that there has been so much new learning it is a good idea to review. Students discuss the following questions, citing text evidence from *Plains Indians*.

1 What are some of the most important facts that you learned about the Plains Indians? Why are these facts important?

- *Plains Indians lived in a very large part of the country called the Great Plains. The part of the country where they lived is now fourteen different states. It's important because Plains Indians lived on the prairie with buffalo.*
- *It's important that the Plains Indians were forced to move to reservations. People took away their home and way of life.*
- *The most important fact is that some Plains Indians are hunters and some are farmers. That is how they survived. Also, being hunters or farmers caused them to live as nomads or stay in one place.*

2 Why do you think the author wrote this book?

- *The author wanted us to learn about Plains Indians.*
- *The author wrote this book so we can know more about their lives. The book teaches about houses, religion, hunting, and farming.*
- *The author wrote this book to teach about how the Plains Indians used to live and how they live now.*

3 Compare and contrast Plains Indians' lives in the 1800s and today.

- *They lived on the prairies in the 1800s.*
- *Now they live on reservations and in cities.*
- *They used to hunt bison, but now they can't hunt.*
- *They fought for their rights then and they fight for their rights now.*

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000061).

350. The vocabulary lesson is “reserve” and “reservation”:

Lesson 10 Deep Dive: Vocabulary

Academic Vocabulary: *Reserve, reservation*

TIME: 15 min.

TEXT: *Plains Indians*, Andrew Santella

Vocabulary Learning Goal: Use a variety of strategies (context clues, root words, and glossary) to build an understanding of the academic and content word *reservation*. (L.2.4.a, L.2.4.c, L.2.4.e)

Launch

Teacher Note

Today students continue to use the glossary and context clues, in addition to the base academic word *reserve*, to develop a deeper understanding of the content-specific word *reservation*. After the Deep Dive in Lesson 9 on the word *nomadic*, students will begin to understand that the Plains Indians' nomadic lifestyle shifted once the government tried to force them onto *reservations*.

Instruct students to Think-Pair-Share, and ask:

“What are some of the ways that we have been determining the meaning of unknown words?”

As students share, write down their ideas on the board.

- Looking *outside* the word for clues in the text or pictures.
- Looking *up* the word in the glossary.
- Looking *inside* the word for parts we know.

Validate students' ideas and explain to students that they will use these strategies in this lesson to understand the word *reservation*. Post the word *reservation*. Some students may see the word *reserve* inside this word and others may not.

Ask:

“Do you see a familiar word inside this word?”

Volunteers respond.

- I see the word *reserve*.

Extension

To help students make a real-life connection to the word, instruct them to Think-Pair-Share, and ask:

“Where have you heard or seen the words *reserve* or *reservation* before in your own life?”

- When the librarian saves a book for me, he/she reserves it for me.
- When a table is reserved, it is saved for someone. This is called a reservation.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000062).

Learn

Validate students' thoughts and explain that to *reserve* is "to set aside or save something for a particular person or a purpose." Tell students that they can use their understanding of this base word to grow their understanding of the word *reservation*. Post the definition for student reference.

Word	Meaning
reserve (v.)	To save or put aside.

Organize students into pairs and distribute texts. Remind students that they also know to look outside the word for more information. Direct students to page 38 and read aloud:

*"In the mid-1800s, the U.S. government tried to force Plains Indians to move to **reservations**. Reservations were public lands set aside as homelands for Indians. On reservations, the Plains Indians would have to give up many of their traditional ways of life and depend on the government for support."*

Ask:

"Are there any clues outside of the word that help us with its meaning?"

Volunteers respond.

- *It says in the sentence right after the word reservation that reservations were lands set aside for Indians.*

Validate and underline this sentence. Explain that sometimes, authors help the reader by putting the definition of the word right in the text in the sentence following the word. You may want to add this to a growing classroom chart on types of context clues.

Ask:

"What do you notice about the word *reservation* on page 38?"

Volunteers respond.

- *It is in boldface, like nomadic was in Lesson 9!*
- *This means we can learn more about it in the glossary in the back of the book.*

Add the definition underneath *reserve* on the board. Instruct students to independently locate the definitions of *reserve* and *reservation* in their glossary. Students add both of the definitions to their Vocabulary Journals.

Word	Meaning
reserve (v.)	To save or put aside.
reservation (n.)	An area of land in the United States put aside for the use of American Indians.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000063).

Ask:

“How are the words *reserve* and *reservation* connected?”

Volunteers respond.

- *Reserve is an action and reservation is a thing.*

Remind students that in core lessons, they discussed whether the *impact* of certain actions was *negative* or *positive*. Tell students that you will reread the passage on page 38 one more time. This time, tell students to highlight, underline, or jot down any words that show that creating reservations had a negative *impact* on American Indians in the mid-1800s.

“In the mid-1800s, the U.S. government tried to force Plains Indians to move to reservations. Reservations were public lands set aside as homelands for Indians. On reservations, the Plains Indians would have to give up many of their traditional ways of life and depend on the government for support.”

Instruct students to share out the words or phrases that signaled to them that reservations had a negative impact (see the underlined words above).

- *It says the government tried to force the Indians.*
- *It says the Plains Indians had to give up their traditions.*
- *It says they had to depend on the government.*
- *All of these clues tell me that the author saw the American Indians going to reservations as negative and that they did not want to be on reservations.*

Land

✓ Ask:

“What were some of the ways that we learned more about the word *reservation*?”

Use Equity Sticks to call on students to answer.

- *Used the base word *reserve*.*
- *Looked up the word in the glossary.*
- *Looked for clues around the word in the text.*

Instruct students to Think-Pair-Share, and ask:

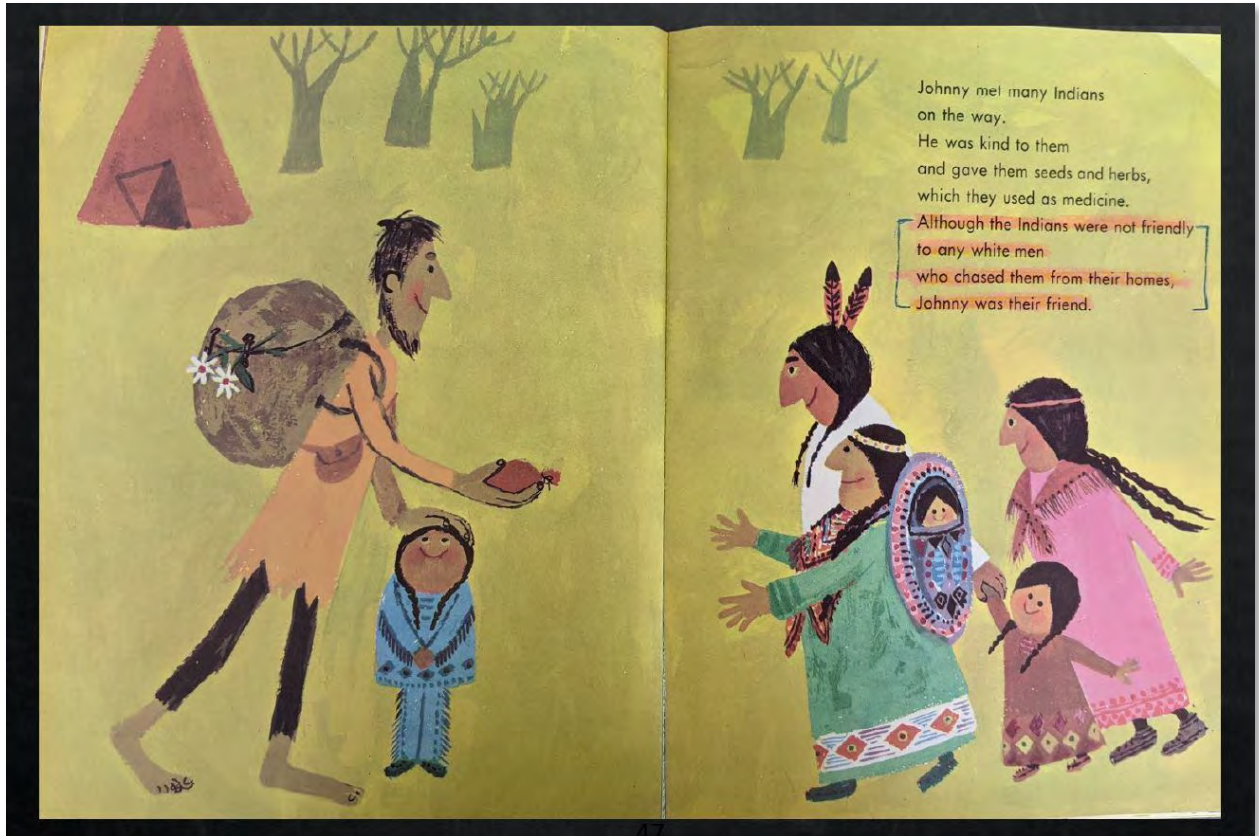
“How did the American Indians’ *nomadic* lifestyle change because of the *reservations*?”

- *Before, lots of Indians roamed from place to place, chasing the buffalo. Then, the government and settlers started killing the buffalo and taking the Indians’ land and putting them on reservations. The impact was that they had to give up their traditions. Many also became poor and sick.*

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000064).

351. The Committee ruled that because the author uses terms such as “non-Indians” that it is not as inflammatory as “white man” or “white people”.

352. Again, in *The Story of Johnny Appleseed*, there are two divisive pages where it discusses Native Americans not liking white men. The text reads, “although the Indians were not friendly to any white men who chased them from their homes, Johnny was their friend.”



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000065).

353. One of the most concerning books from a CRT standpoint in the module is, Separate is Never Equal by Duncan Tonatiuh, which contains images and text in which Mexican children are portrayed like animals behind bars, as inferior as dogs or cows, and the white people are portrayed as evil, superior oppressors.

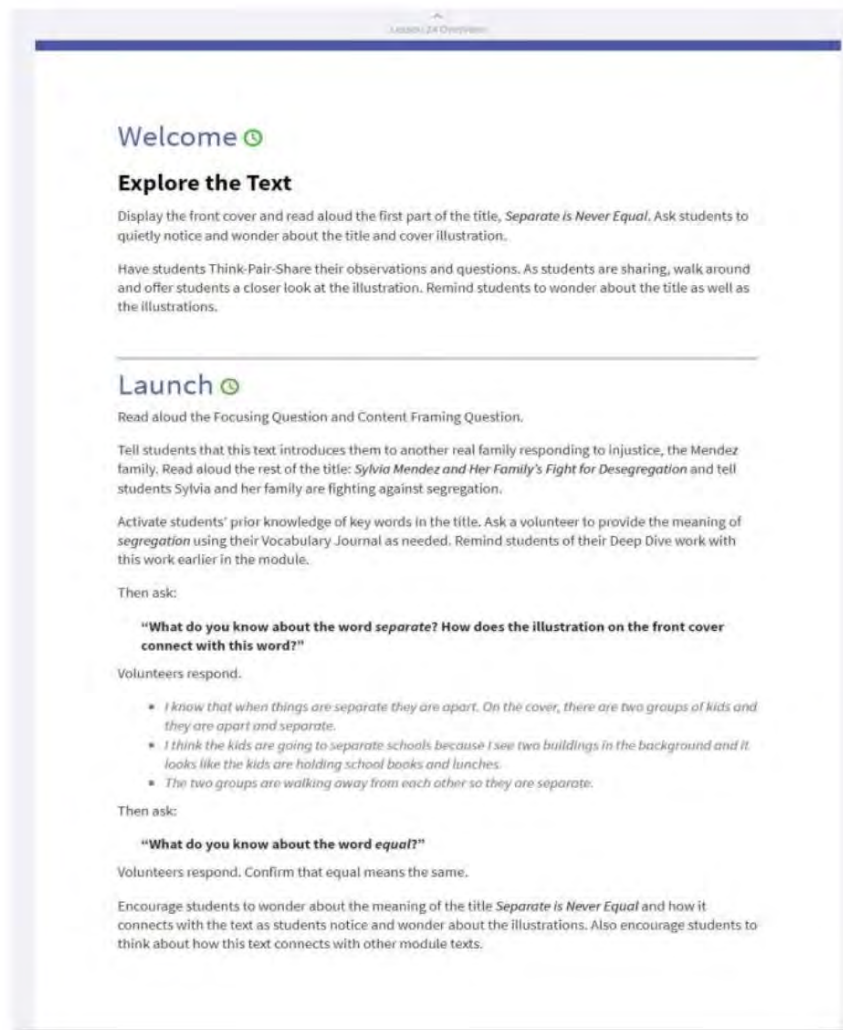
354. Images depict a public swimming pool with white children in the water. Mexican children are kept on the other side of bars with downward stares while a sign saying “No Dogs or Mexicans Allowed” is featured front and center.

355. Mexican children are depicted as inferior in their economic outlook, in their clothing, and in their ability to take part in the activities of the school, lacking in “social behavior. They have generally dirty hands, face, neck, and ears. Children at the Mexican school are inferior

to whites in personal hygiene...and in their scholastic ability...[they are also inferior] in their economic outlook, in their clothing, and in their ability to take part in the activities of the school.”

When one character asks another character, “Do you believe that white students are superior to Mexicans in the respects that you have mentioned?”, that character responds, “yes”.

356. The teacher manual for *Separate is Never Equal* by Duncan Tonatiuh, instructs the following:



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000068).

✓ Students Stop and Jot their observations and questions.

Separate is Never Equal

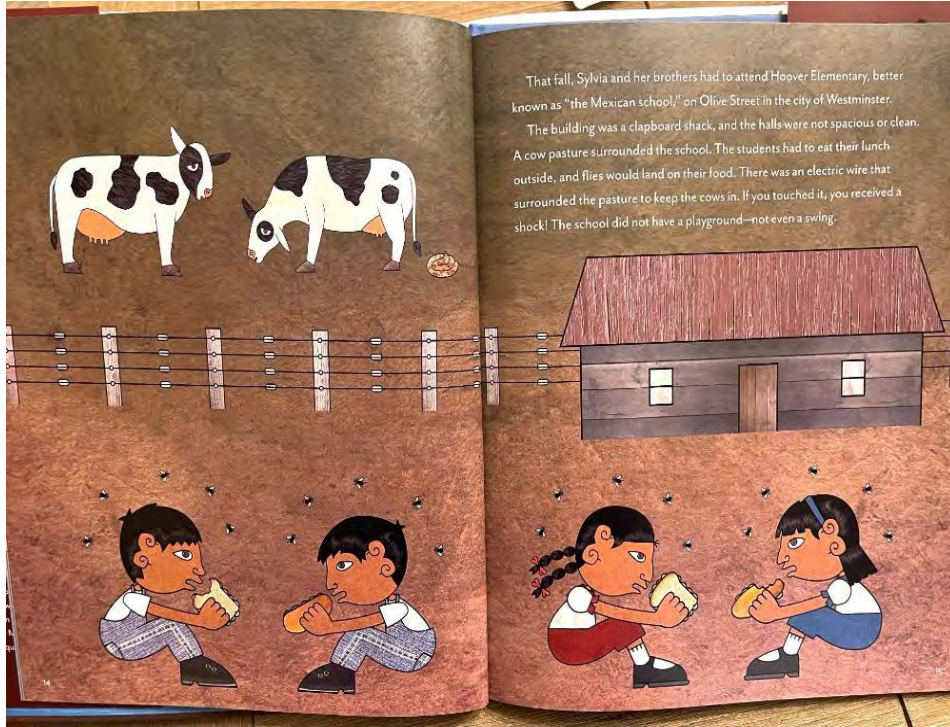
I notice ...	I wonder ...
The boy is pointing at Sylvia. (2 and 3)	Why is Sylvia crying and hanging her head? (3)
The white building looks nice! It was on the front cover. (7)	What is the white building? Maybe it is a school. (7)
The two girls with Sylvia look almost like twins! (10 and 11)	What is Sylvia looking at? (11)
The man at the desk looks like he is not very nice. (13)	Why is he pointing away from Sylvia's father? (13)
There is cow poop and bugs! (PAGE7)	Why are eating their lunch on the ground with bugs? (15)
The people are walking away. The kids are looking back at the Mendez family, but the parents are looking down. (16 and 17)	What is that paper Sylvia's father is holding? (16 and 17)
It looks like the kids are in jail! (19)	Why aren't they swimming? (19)
That building looks important. There is a flag. (23)	Who is that man? (23)
The Mendez family all have their mouths open. (26 and 27)	Are they all talking at one time? (27)
Sylvia's mouth is closed, her hands are hidden, and she is not behind the wood shelf. (28 and 29)	Why isn't Sylvia talking? (28 and 29)
Sylvia seems to be having fun on the playground! (35)	Can she go to school anywhere she wants like Ruby? (35)

Conduct a Whip Around in which each student shares either an observation or question. Choose sample student responses to add to the class chart.

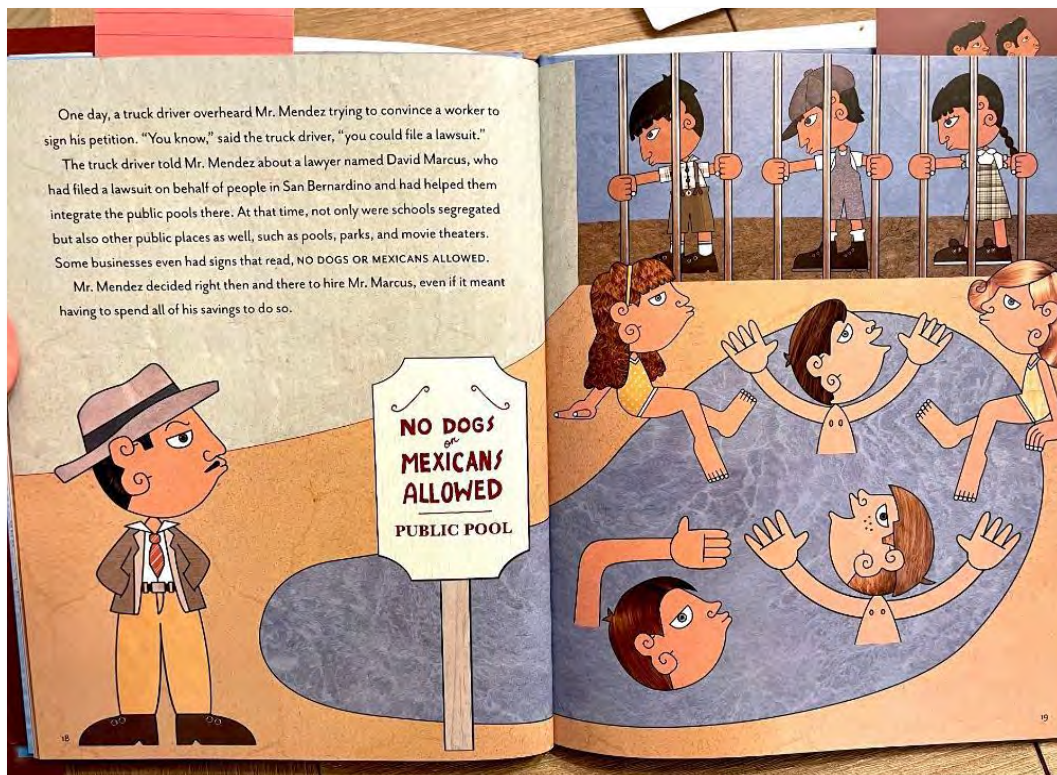
(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000069).

357. The teacher manual opens with asking the students what they know about the word “separate” and what they know about the word “equal”³⁶:

³⁶ “Generative concepts”.



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000070).



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000071).

Learn

Answer Picture-Dependent Questions

WHOLE-GROUP

Teacher Note

Since there is only one copy of the book, read the question and then walk around with the book making sure each student sees the illustration. As students are talking in small groups, walk around with the book a second time so students can look again at the illustration.

Thank students for their observations and questions about the text using only the illustrations. Let them know that that they are going to answer questions about a few pages, but they can only use what they see in illustrations help them answer. Provide time for students to Think-Pair-Share with a small group and then each group shares an idea.

1. Why do you think Sylvia is crying on pages 2 and 3?

- *Sylvia looks like the only Mexican student. Is she the first one to attend a white school like Ruby?*
- *The boy seems to be saying something mean to her.*
- *She is walking away from the boy with her head hanging low. Maybe he yelled at her.*
- *Maybe she doesn't have any friends. She might feel alone, like Ruby did.*

2. Look at the illustrations on pages 18 and 19. Why do you think the white kids are in the pool but the Mexican kids are not?

- *When we read Martin Luther King, Jr. and the March on Washington, we learned that segregation wasn't just at school. It happened at movie theaters and hotels too. Maybe pools were segregated, too.*
- *That sign says Mexicans are not allowed in the pool!*
- *The Mexican kids and the white kids are separated just like on the cover.*

3. As some of you might have noticed this scene takes place in a courtroom. What do you think is happening in the illustrations on page 28?

- *I think Sylvia and her family are trying to get a law changed. This is like what happened when people changed the law so Ruby could go to the white school.*
- *Everyone is moving their hands a lot. That means they are talking. They might be talking about how segregation is unjust.*
- *The man with the white hair has a black robe on. I think he is called a judge. I think he will make the decision.*
- *Only the judge and Sylvia have closed mouths and hands that can't be seen. I think that means, they are listening not talking.*

4. What is happening on pages 34 and 35?

- *Sylvia looks happy!*
- *Mexican kids and white kids are playing together!*
- *Sylvia is holding her head high! It's not hanging low anymore!*
- *I think the judge helped Sylvia and her brother.*
- *I think the boy at the beginning isn't being mean to Sylvia anymore!*

Scaffold

Support students who found this activity challenging by returning to the same pictures and questions after the text is read aloud. These students might find more success answering the questions after a deeper examination and will be able to gather stronger meaning from the illustrations.

Explain that over the next two lessons, they will hear the book read aloud and dig more deeply into the story of Sylvia Mendez and her family.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000073).

358. The responses that the teacher manual is eliciting from students is very troubling:

1. Who are the characters in *Separate is Never Equal*?

- *Sylvia and her family.*
- *And her aunt and her cousins.*
- *The people at the school are characters too, such as the secretary and Mr. Harris, the superintendent.*

Explain that all of the people in the book are characters, but some characters have a bigger part of the story and are called main characters, and other characters only have a small part in the story. Explain that they should focus on the actions and thoughts of the main characters. The main characters in this story are Sylvia and Mr. and Mrs. Mendez.

2. What is the problem in this text, *Separate is Never Equal*?

- *They had to go to a school only for Mexican students.*
- *Sylvia and her brothers wanted to go to the Westminster school with their cousins, but they weren't allowed.*
- *Sylvia and her brothers had to go to the Mexican school because they looked Mexican.*

Teacher Note

Allow students to share all of the different perspectives of the problem in the text at this point. Later, the class will revisit their ideas about the problem as they have a better understanding of what is happening in the text.

Continue with the Read Aloud and stop at page 23.

Have students Think-Pair-Share again to discuss one thing they learned during this portion of the read aloud.

3. Who is the new main character?

- *The new main character is Mr. Marcus.*
- *The lawyer is a main character.*

Teacher Note

If students bring up Mrs. Mendez, Mr. Estrada, or the truck driver, confirm that they all had an important role in the story and that is why the author included them. However, they are important in one part of the story, not the entire text.

4. What do you think the problem is in the text?"

- *We were right! The problem is that Sylvia can't go to the white school.*
- *They have to go to the Mexican school and it's not fair.*
- *The Mexican and white kids are segregated, just like with Ruby Bridges!*
- *It's an injustice that all the kids can't go to the good schools.*

5. Why is Mr. Marcus important? What did Mr. Marcus and Mr. Mendez do together?

- *Mr. Marcus and Mr. Mendez went all over to find other families who had the same problem.*
- *Mr. Marcus helped to integrate a swimming pool.*
- *Mr. Marcus filed a lawsuit because he is a lawyer.*

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000074).

359. One lesson plan poses the question: "Why did the Mendez family fight for desegregation?" And the teachers manual proffers the response: "They fought so white people would stop thinking they were better than Mexican people." It also instructs students to "Write an

exploded moment narrative from the point of view of Sylvia Mendez during the courtroom scene. Describe her response to injustice by describing her thoughts, feelings and actions in the moment.”

1. How did Sylvia feel at the beginning of the book?

- *Sad because it says she kept her head down.*
- *Ashamed.*
- *Embarrassed.*
- *Maybe alone, because the other kids are not Mexican.*

2. How did Sylvia change from the beginning to the end of the book?

- *Sylvia didn't want to go to school but then she did go back.*
- *Sylvia was sad at the beginning but she was happy at the end.*
- *Sylvia didn't understand at first about what her parents fought for, but then she did.*
- *On the first day, she kept her head down. On the second day, she held her head high.*

3. What does Sylvia's mother want her to understand when she says, "Don't you know that is why we fought?"

- *They fought because they had to change the way people were thinking of Mexican people.*
- *They fought so white people would stop thinking they were better than Mexican people.*
- *She wants her to know that they changed the laws so Sylvia could go to that school.*

4. How did Sylvia feel at the end of the book? How do you know?

- *Confident.*
- *Proud because it says she held her head high.*
- *Happy.*

5. If the beginning of the book is the first day of school and the end of the book is the second day of school, what is happening in between those parts of the book?

- *It tells how they fought so that Sylvia and her brothers could go to the white school.*
- *It tells all about how Sylvia's family had to fight to make people understand Mexican people should be treated fairly.*
- *The text says the Mexican school is not good. The white school is much nicer.*

Have student groups with the Beginning Response Cards reread their cards.

6. Why do you think the story is organized by showing the first day of the new school before explaining that the Mendez family fought for desegregation?

- *To show how hard it was to desegregate the schools.*
- *To tell us that the other kids didn't want to integrate, like with Ruby Bridges.*
- *The author showed us what happened after the court so we know that Sylvia's family won but that it was hard.*

Have student groups with the Ending Response Cards reread their cards, then ask:

"And why do you think the author waited all the way until the conclusion, or end of the book, to tell about the second day of school?"

- *Because all the parts in the middle are what made Sylvia able to be proud on the second day.*
- *We could see how the Mendez family fought for their kids when it was hard and Sylvia had to not hate school even if it was hard.*
- *The ending of the story shows that fighting injustices can make good changes.*

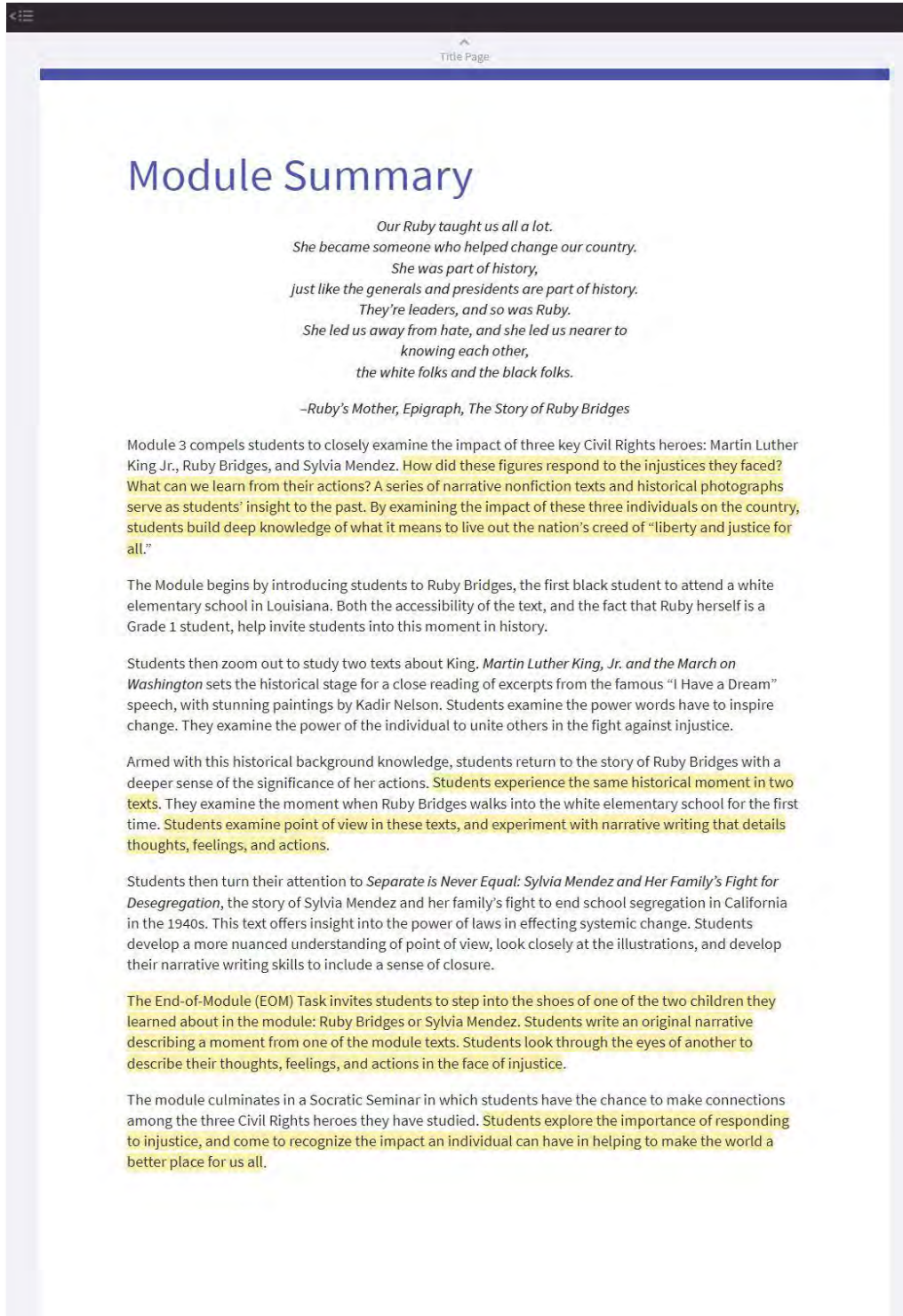
Scaffold

Reread, "Three years ago, in the summer of 1944..." at the top of page 5. Prompt students to notice that the story goes back in time. Explain to students that one important change in setting is that the book goes back in time. On pages 2-3, Sylvia is in her school. On pages 4-5, the reader is brought back in time to when Sylvia's family first arrived in California.

- ✓ Students draw a three-frame picture with labels in their Response Journal showing the beginning, middle, and end of the story. Students use their drawings to Pair-Share with a partner and explain how the beginning and end of the story are connected.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000076).

360. Teachers are directed to offer students two narrative options: they can either write a narrative from Sylvia's point of view as she returns to the white school or Ruby's point of view as she enters an empty classroom at a previously all-white school."



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000083).

361. Here is an example of one student's homework from this class:

My name is Sylvia. I sat in the
court room, I saw the lawyer, his name is
Mr. Marckes, and I saw the judge.
Mr. Mendez asked questions, like,
are Mexicans inferior? Mr. Kent lied
about me and my family. He said that
we had ugly outfits and we had
lice, and we had dirty hands, ears,
and face. He said that we were
not superior. We stared at Mr. Kent
lie. I was really mad, but Mr. Marckes
proved that we were not dirty, and
we did not have ugly clothes. I thought
that "what is up with this guy?" I talked to
myself about Mr. Kent. I wondered if
why he lied. Mr. Kent even said
that the White kids are superior
and Black kids are not superior.
Finally on the fifth day the judge agreed that
they should have integration. And we
got to the same school.

The end

(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000086).

362. The Committee admitted that they shared the concerns of the original complainants about the explicit nature of pages 25-27, but did not address any of the other inflammatory components of the book or its lesson plan.

363. In the book, The Story of Ruby Bridges by Robert Coles, there are the following troubling pictures and text:

- On pages 12-13, the book depicts white protesters surrounding young Ruby and with the text: “Men and women and children shouted at her. They pushed toward her.”
- On pages 20-21 the book contains images of white people yelling and protesting with accompanying text, “The crowd seemed ready to kill her.” “On Ruby’s first day, a large crowd of angry white people gathered....The people carried signs that said they did not want black children in a white school. People called Ruby names; some wanted to hurt her. The city and state police did not help Ruby...the marshals carried guns.”
- And on the last page of the book Ruby is depicted praying for God to forgive the [white] “mob” because “they don’t know what they’re doing. So you could forgive them, just like you did those folks a long time ago when they said terrible things about you.”

364. And the accompanying teacher’s manual for The Story of Ruby Bridges by Robert Coles, instructs teachers to describe white people with the adverb “rudely” and the adjective “vicious.”

365. Students are instructed to write a “narrative from the point of view of Ruby Bridges,” and to role play Ruby’s experience. The intent is to have the students feel the psychological distress Ruby endured.

366. The Committee simply ignored these issues and “reached the conclusion that the lessons do not create opportunities for divisiveness at any point.”

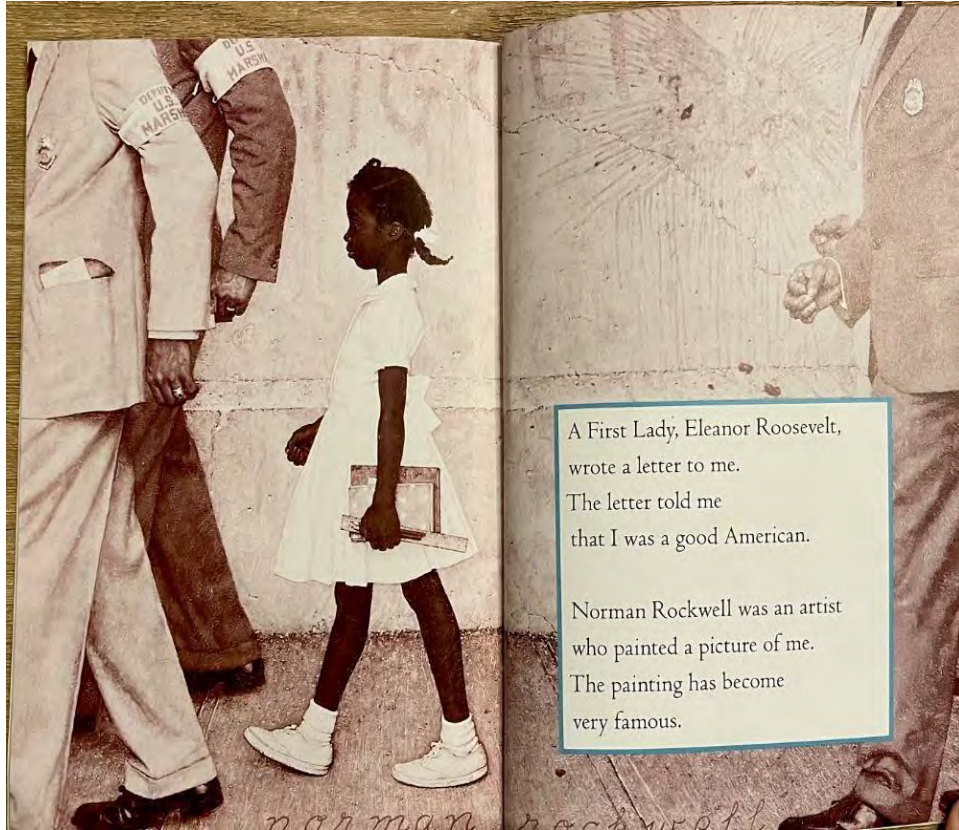
367. In Ruby Bridges Goes to School: My True Story by Ruby Bridges, the book contains the following:

- On pages 2-3, there are photographs of a neighborhood sign that reads: “WE WANT WHITE TENANTS IN OUR WHITE COMMUNITY” and a smiling white boy holding a sign that says “We won’t [sic] got to school with Negroes.”
- On pages 14-15, there are depictions of a group of white people holding up signs that read, “We want segregation [sic]” and “We don’t want to Integrate.”
- And on pages 24-25, there are depictions of the Norman Rockwell painting The Problem We All Live With, which depicts Ruby Bridges walking to school with the “N-word” in the background.

368. The accompanying teacher’s manual for Ruby Bridges Goes to School by Ruby Bridges, instructs students to repeatedly focus on and emphasize the racist images in the book.

369. The manual instructs the teacher to point out the n-word³⁷ in the Norman Rockwell painting on pages 24-25; and “Use this opportunity to remind students that racial slurs are words people use to show disrespect and hatred toward people of different races...People still use this word today as a hateful slur...reinforce how words can cause pain. Discuss how words can be used to attack and disrespect people.”

³⁷ A “generative concept”.



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000090).

370. The manual also instructs the teacher to point out the n-word whether or not the students notice it on their own, and then to lead a discussion about “emotionally charged language,” telling the teacher to not “expect an individual or group to serve as a ‘spokesperson’ for his or her race, gender, r any other group.” Guiding a teacher in this manner implies segregation of the classroom into “race, gender or any other group.”

371. Here are some examples of student’s homework assignments:

Handout 4C: Word Relationships

Name: _____

Directions:

1. Cut apart the words below the chart.
2. Sort the words under either integration or segregation.

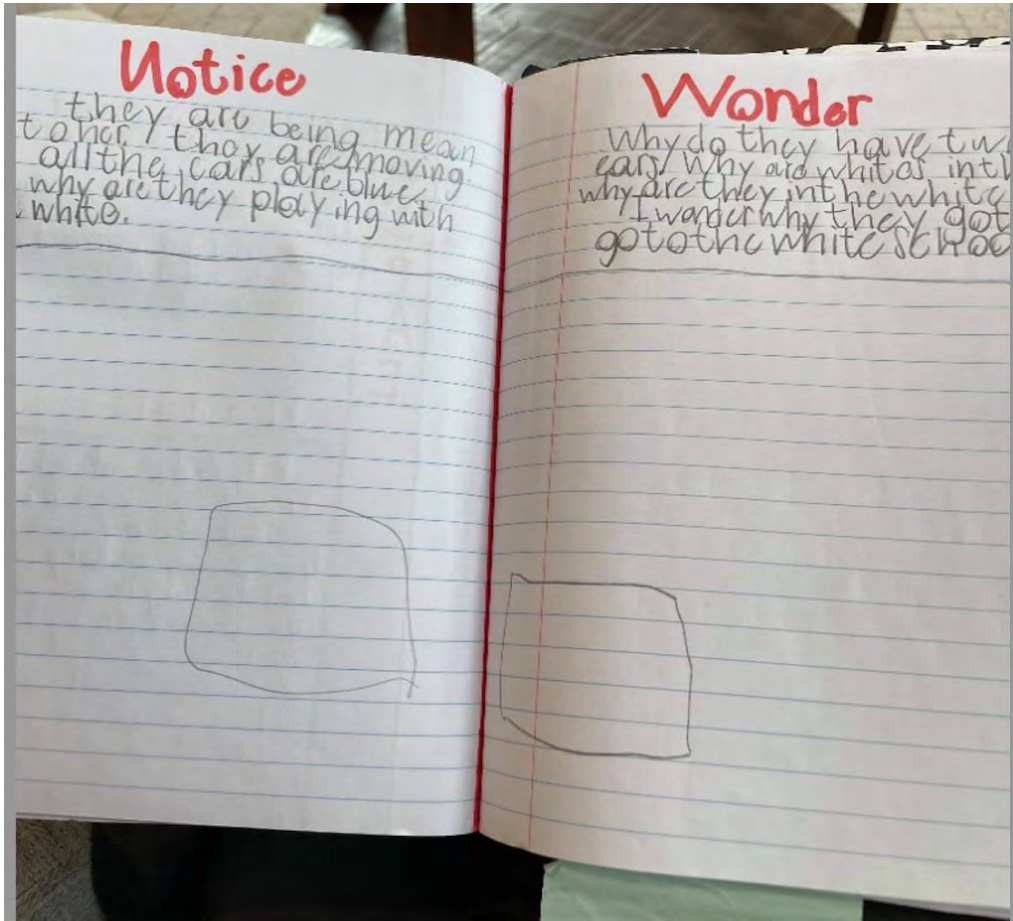
Integration	Segregation

separate	apart	unfair	Jim Crow	justice
join	injustice	Civil Rights	together	fair

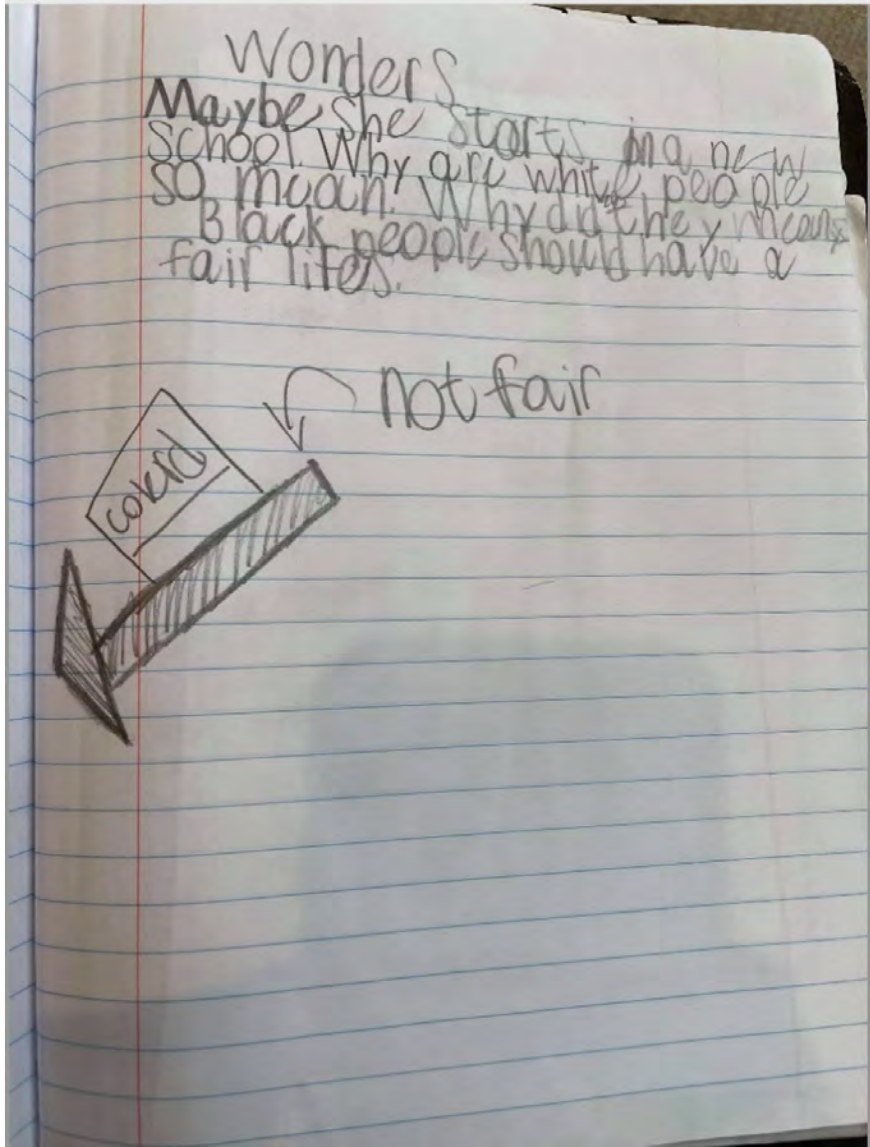
(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000100).

Hi, my name is Ruby Briges. I walk into the William Franz Elementary school, it is a school for white children, but I'm a black child. My teacher is Mrs. Henry. I'm all alone, the white kids did not want me in the white school. I'm in a empty classroom, I'm in a empty building. I eat and play with no one, but every day I went to school with a big smile on my face. I walked through the crowd every day, I come to school every day. I like my school, I like my teacher, I like to learn. I enjoy going to school to learn. I thought, like Mrs. Henry, kept going to school every day. The William Franz Elementary school was empty, but I go to school every day. Finally, I learned to write and read. Later that year, eventually white children started to come back to the William Franz Elementary school.

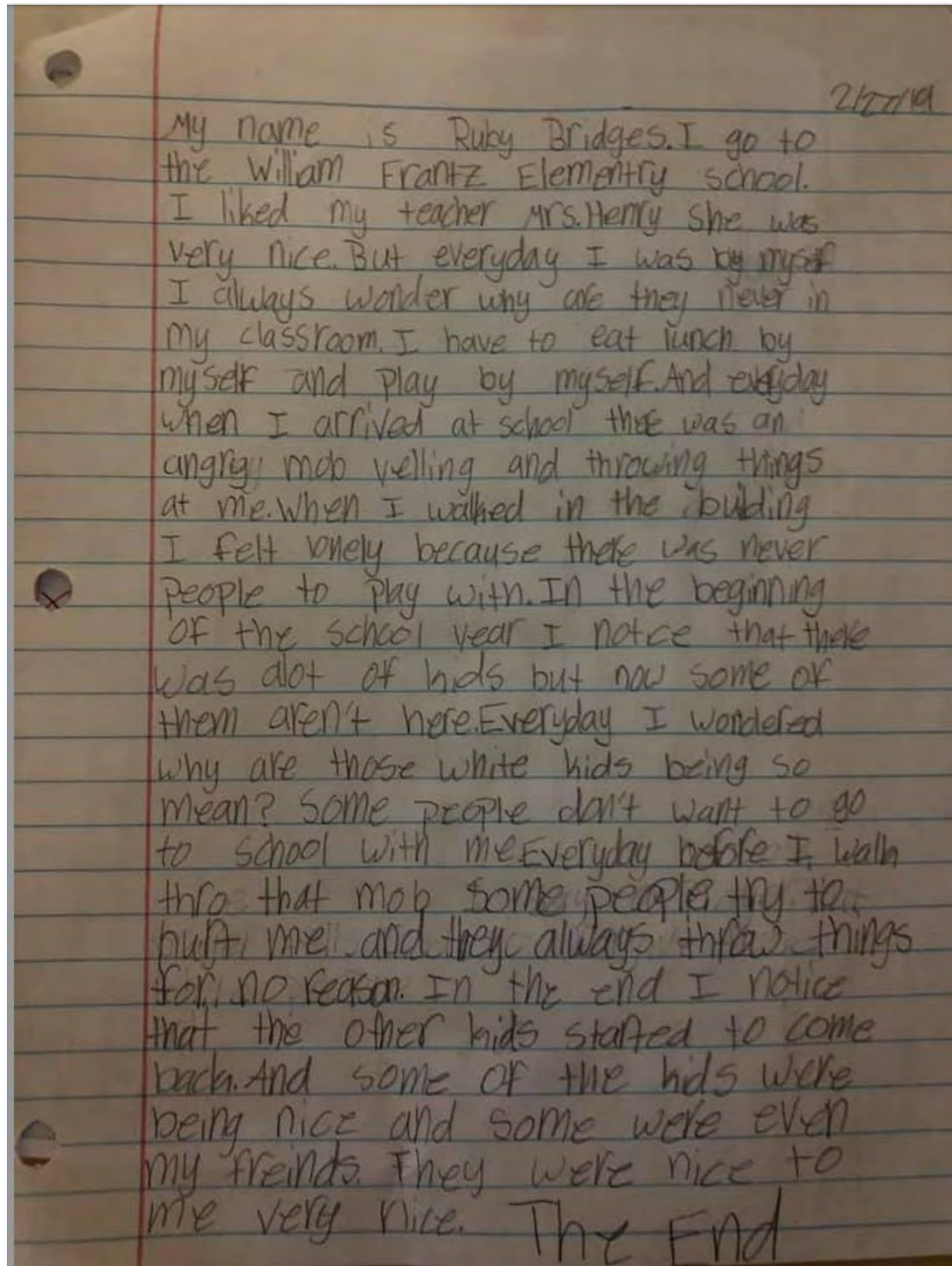
(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000102).



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000103).



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000104).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000105).

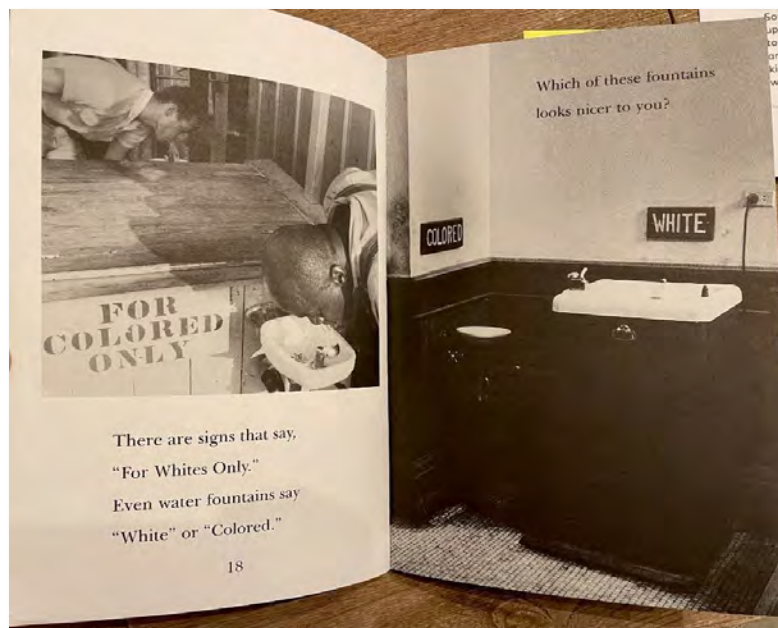
372. The Committee's conclusion regarding Ruby Bridges Goes to School: My True Story was:

The committee does not share the concerns of the complainants. The committee reached the conclusion that the lessons do not create opportunities for divisiveness at any point.

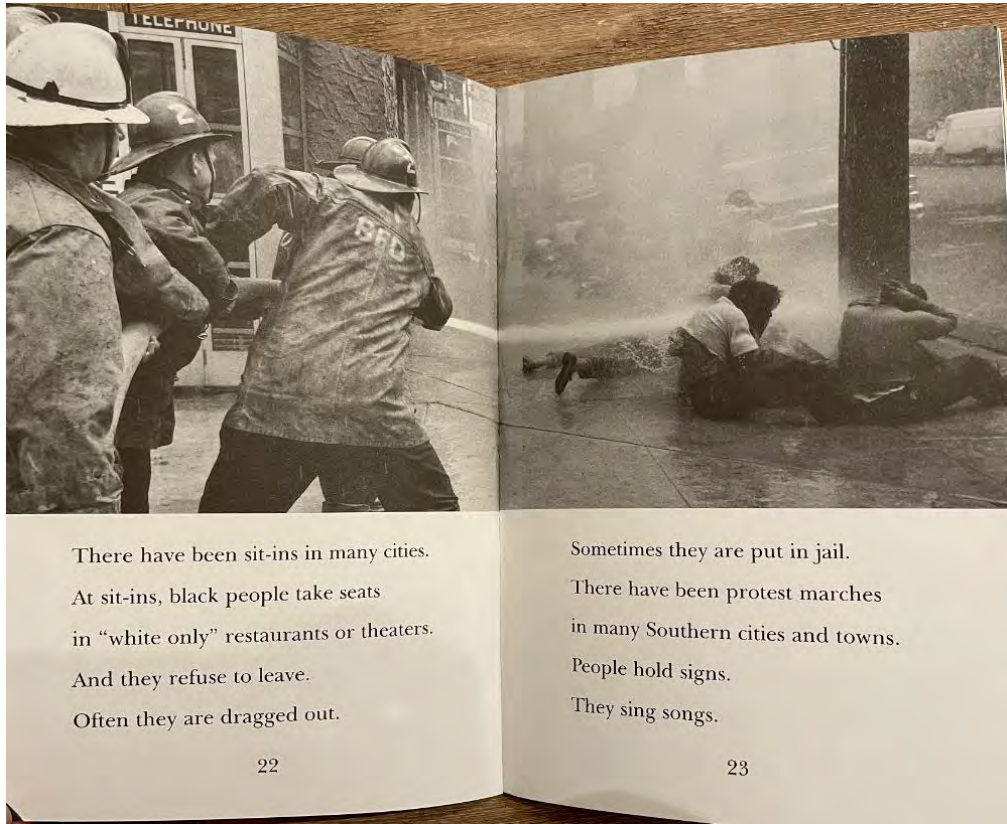
The lessons center deeply on the experiences in the text that are historically curate representations of the events in the nation's history. **The committee acknowledges the use of the N-word.** While the committee recognizes the intentional use of the iconic Normal Rockwell painting *The Problem We All Live With* where this word is hazy in the background, the committee understands that administrative changes have been made by Williamson county Schools Teaching, Learning and Assessment department. These **changes include the slightly cropped use of the painting,** guidance on not explicitly pointing out the word and how to address the topic should a conversation begin. Additionally, **guidance on the word "Negro" has been provided,** including the difference between the two words and the fact that **"Negro" is not a racial slur,** but rather an antiquated word that is no longer acceptably used.

(emphasis added)

373. In the book, Martin Luther King Jr. and the March on Washington by Frances E. Ruffin, on pages 18-19, there are photographs of white and colored drinking fountains, asking "which of these fountains looks nicer to you?" And on pages 22-23, there are photographs of white firemen blasting black children to the point of "bruising their bodies and ripping off their clothes."



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000106).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000107).

374. The first teaching module on Civil Rights on the first day of the lesson mentions the word “injustice” at the hands of white people some 26 times. Teachers are instructed as follows:

- i. Develop a nonverbal signal for injustice.
- ii. Students should signal through the module as they hear examples of injustice.
- iii. Lesson prefixes: in justice, unequal, inequality, unfair.
- iv. Lesson on suffixes: segregation.
- v. Vocabulary lesson: protest, refuse and marching.
- vi. Point out the word injustice.
- vii. Explain that unfair and injustice...mean the same thing.
- viii. Injustice is a stronger word.

- ix. Explain...how real people respond to injustice.
- x. Explore the word injustice
- xi. Reread...how can people respond to injustice.
- xii. Echo read...what injustices did people face before the Civil Rights Act of 1964?
- xiii. Point to the word injustice.
- xiv. Remind the class of the meaning of this word injustice.
- xv. Explain...read...about people fighting injustice.
- xvi. Remind the class of the meaning of injustice.
- xvii. How can people respond to injustice?
- xviii. What does injustice mean?
- xix. What do you remember about injustice?
- xx. What do you remember about...how can people respond to injustice?
- xxi. What is an example of injustice?
- xxii. Record the word injustice.
- xxiii. Add their example of injustice.
- xxiv. Investigate the injustices people faced and how they respond to injustice.
- xxv. What happens if we don't respond to injustice
- xxvi. What will you do to make the world a more fair, or just place?

375. The Module three schedule for second graders, which is slated to run from January to March of the school year, drills into seven and eight year old's that "white people are bad", "People of color are mistreated [by white people]," "America is unjust," and that police officers [and firemen] target people of color. This is done for three months via classroom books, readings, assessments, vocabulary lessons, grammar exercises, narrative writing, imagery focus, role playing and class discussion.

376. This relentless teaching of whites versus people of color under the dichotomy of oppressor versus oppressed and that our country is fundamentally racist and is prohibited under T.C.A. § 49-6-1019.

377. The relentless nature of how these divisive stories are taught, the lack of historical context and difference in perspective, and the manipulative pedagogy all work together to amplify and sow feelings of resentment, shame of one's skin color, and/or fear; in second grade children.

378. This module is the perfect example of CRT generative concepts and the codification/decodification methods as described by James Lindsay. The module is a string of political lessons disguised as a basic-skills lesson in reading, through the alchemy of "cultural relevance" or "generative words" as an approach.

Third Grade

379. In the third grade curriculum, students have three modules that include books containing age inappropriate material with replete references to suicide, fear, gore, anti-Catholic church, anti-government, and justifies illegal immigration.

380. In Amos and Boris, the story focuses on a mouse that is contemplating suicide. One excerpt reads: "crazy with rage, Amos screamed and punched" "And just as he was preparing to die."

381. The book Shark Attack, includes real-life stories of shark attacks, which is age inappropriate. The Committee did recognize that "some may find the illustrations to be overly gory"; and that teachers should consider alerting parents to the potentially concerning photographs.

382. Starry Messenger is the story of Galileo. However, the story focuses on the negative aspect of the Catholic Church. For example, on page 24 the text reads, "Galileo was afraid. He

knew that people had suffered terrible torture and punishment for not following tradition. It could happen to him.”



Galileo was afraid. He knew that people had suffered terrible torture and punishment for not following tradition. It could happen to him.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000146).

383. Another few pages discuss how Galileo went against the church:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000147).

384. The lesson plan calls for students to discuss the generative words, “condemned” and “tradition”:

Discuss similarities and differences among the timelines, noting which events most or all groups included and why these events seemed particularly important.

Reread pages 3–7, modeling the elements of fluent reading, as students follow along.

1 How does the information on pages 3–7 about events before the birth of Galileo add to your understanding of Galileo's life?

- The information on pages 3–7 explains that before Galileo turned his telescope to the sky, many people believed the Earth stood still and the Sun revolved around the Earth. This helps me understand that Galileo's ideas were very different from the ideas of many people around him.
- The information on pages 3–7 shows that most people followed tradition. This helps me understand why so many people had a hard time believing Galileo.
- The information on pages 3–7 shows that Copernicus wondered if maybe what tradition taught was not so. This helps me understand that Galileo was building on the work of someone who had already thought about the possibility that the Earth moved and the Sun stood still.
- The information on pages 3–7 shows that Galileo was born in a place and time when many "artists, writers, musicians, and scholars" contributed to the ideas of the time. This helps me understand that Galileo added his ideas to the work of many other thinkers at the time.

Reread pages 30–32, again modeling the elements of fluent reading, as students follow along.

2 How does the information on pages 30–32 about events after the death of Galileo add to your understanding of Galileo's life?

- On page 30, the text says, "But still the ideas lived on." This helps me understand that Galileo's life was important because his ideas continued to be important, even after he died.
- On page 32, the text says that the Church finally pardoned Galileo "more than three hundred years later" and that they "admitted that he was probably—in fact, surely and absolutely—right." This helps me understand that Galileo was right not to give in to the Church and that even the Church now sees that Galileo was correct.
- The timeline on page 32 shows that in 1989 a spacecraft named Galileo was launched. This helps me understand that even today people remember Galileo as an important scientist who helped us learn about space.

3 What clues in the text and illustrations clarify the meaning of the word condemned on page 30?

- The picture on pages 28–29 show Galileo in a court where he is being tried because the Church is worried that he is teaching people to go against tradition.
- On page 30, the text says that Galileo had to "spend the rest of his life locked in his house under guard."
- The illustrations and text suggest that condemned means "given a punishment."

Provide the following definition for students to record in the "New Words" section of their Vocabulary Journals.

Word	Meaning
condemned (v)	Ordered to be punished.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000148).

Lesson 4 Deep Dive: Vocabulary

Examine Multiple Meanings of *tradition*

TIME: 15 min.

TEXT: *Starry Messenger*, Peter Sís

Vocabulary Learning Goal: Examine *tradition* using a multiple-meanings chart to distinguish shades of meaning. (L.3.5.c)

Launch

Reread the following passages from *Starry Messenger*, modeling fluent reading as students follow along:

- “For hundreds of years, most people thought the earth was the center of the universe, and the sun and the moon and all the other planets revolved around it. They did not doubt or wonder if it was true. They just followed tradition.” [3]
- “Galileo was afraid. He knew that people had suffered terrible torture and punishment for not following tradition.” [26]

Teacher Note

Consider Galileo’s statement that “with regard to matters requiring thought: the less people know and understand about them, the more positively they attempt to argue concerning them.” [30] The quote articulates Galileo’s perspective regarding the consequences of breaking tradition. The quote also offers an explanation for the Church’s harsh punishment of Galileo.

Students reread page 3 in pairs and answer the following TDQs:

1 What *tradition* did people “just follow” during the time of Galileo?

- Most people “just followed” the tradition that “the earth was the center of the universe and the sun and the moon and all the other planets revolved around it.”

2 Why did people “just follow” tradition during the time of Galileo?

- People “just follow[ed]” tradition because people had believed the same thing “for hundreds of years.”
- People “just follow[ed]” tradition because the Church supported it.

3 How does the Church’s reaction to Galileo’s challenge to tradition build your knowledge of the role of *tradition* during the time of Galileo?

- The Church was worried because Galileo challenged its traditions, so they punished him harshly.
- The Church’s reaction shows that tradition was very important during the time of Galileo.

Highlight

Add a note

Learn

Point out that people today have traditions, too. For example, schools have field days and countries celebrate their traditions with national holidays.

Provide students with the following two definitions for *tradition*. Instruct students to record the definitions in the “New Words” section of their Vocabulary Journals:

Word	Meaning	Synonyms
Tradition	Practice or belief passed down through generations of a culture or group of people.	
	Accepted ways of doing things over time.	

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000149).

385. Using these vocabulary words or generative concepts *Wit & Wisdom*, “codifies” the idea through the lesson and then asks students to get “critical distance” from the words through discussing how Galileo went against ‘tradition’ and was ‘condemned’ for his beliefs:

Assign students to groups of three. Students put their index cards in a pile in the center of the group. Each student draws an index card and explains how the evidence does or does not explain what happened to Galileo when he challenged tradition, using complete sentences. Repeat until students have orally processed all of the evidence.

In their groups, students choose two pieces of evidence and record that evidence on Handout 5A. Students add notes to the elaboration boxes to explain how the evidence supports the topic statement.

Instruct students to identify each piece of evidence as a fact, definition, or detail.

Student responses may include:

- **Topic Sentence:** A long time ago people followed tradition and believed the Earth was the center of the universe.
- **Evidence:** Galileo made observed the sky using his telescope. (detail)
- **Elaboration:** The Church said Galileo was wrong to use what he could see with his own eyes instead of tradition.
- **Evidence:** Galileo was called to see the Pope. (fact)
- **Elaboration:** Galileo was afraid because the Church might punish him for going against tradition.
- **Conclusion:** The Church locked Galileo in his house for the rest of his life, but his ideas lived on.

Using their own writing planners, students point to each box and tell their group what they will write about. Students say the sentences aloud as if they are writing them.

Independently, students use their writing planners to write an explanatory paragraph.

✓ *Explain what happened when Galileo challenged tradition. Use facts, definitions, and details to develop the paragraph.*

Students use the Painted Essay® strategy to check that they have described their knowledge "to a TEE!"

[Begin green] A long time ago people followed tradition and believed that the earth was the center of the universe. [End green] [Begin yellow] Galileo used his telescope to prove that this was not true. The Church said Galileo was wrong to use what he could see with his own eyes instead of tradition. [End yellow] [Begin blue] Galileo was called to see the Pope. Galileo was afraid because he knew he could be punished for going against tradition. [End blue] [Begin green] The Church locked Galileo in his house for the rest of his life, but his ideas lived on. [End green]

Students read the paragraph aloud to their groups, revising and editing as they read.

Collect student work.

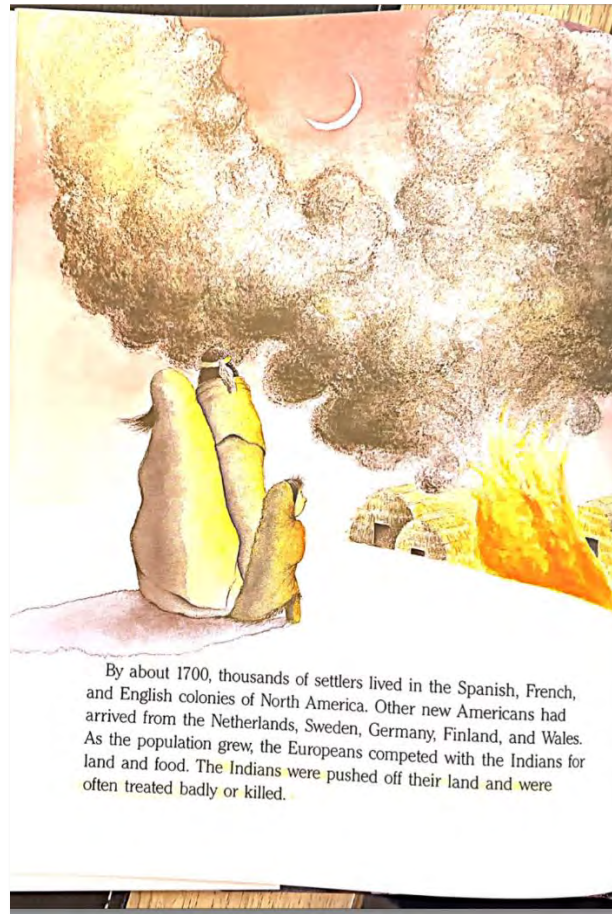
(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000150).

386. The lesson plan calls for teachers to discuss the Catholic Church with students:

387. The Committee concluded that while the book, in their view, does not make a negative statement about the Catholic Church, “Teachers should be mindful of the illustrations in the text. While there is not specific focus on the illustrations, it is important to note some students may find them disturbing. The teacher should be cognizant of this in the classroom and be prepared to address with individual students or with the group as necessary.”

388. Coming to America is a brief tale of American history that deals with slavery, Indian conflicts and immigration. It also contains various quotes that are age inappropriate and misleading:

- “The Indians were pushed off their land and were often treated badly or killed.”



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000154)..

389. One lesson plan from a third-grade module instructs children: “Sadly, new arrivals are often poorly treated by other Americans just because they look or act differently..”



All newcomers to America have a hard time at first. This is true whether they came in the 1600s or have just arrived. It isn't easy to start a new life in an unfamiliar country. Most immigrants have to learn a new language and a new way of life. The jobs they must take are often hard, with long hours. Sadly, new arrivals are often poorly treated by other Americans just because they look or act differently.



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000156).

390. There is also as section of the book titled “Immigration Today”, that justifies illegal immigration, stating that it is due to the hardships many illegal immigrants face:

IMMIGRATION TODAY

Before 1965, there were limits on the numbers of immigrants who could come to the United States from many countries. These quotas, based on national origin, were abolished by the Immigration and Nationality Act of 1965. The United States began to give preference to those who were refugees and those who already had family members in the country. Between 1981 and 1990, more than seven million immigrants were admitted. Most of the new citizens were Asians and Hispanics.

Today, nearly one million legal immigrants arrive in the United States each year. Many others enter the country illegally. These immigrants do not have permission to come. Because they are often desperate to leave political unrest or economic hardship at home, they take great risks, traveling by boat or coming across the border with Mexico. Smugglers sometimes "help" these illegal aliens to get into the United States. The cost is very high — some die in transit, and many others find themselves virtual slaves when they reach their destination. Although the government tries to intervene, illegal immigration is hard to control.

OTHER INTERESTING FACTS ABOUT IMMIGRATION

In 1654, Jewish refugees arrived in New Amsterdam. They hoped to find religious freedom in America after fleeing intolerance and violence in Spain.

In 1755, during the French and Indian Wars, the British deported French settlers from Nova Scotia. About 900 Acadian refugees arrived in the American colonies.

Early in the 1800s, it was not unusual for one tenth of the passengers aboard ship to die during the long ocean voyage. Often, more than half the passengers were ill.

The length of time for an ocean crossing changed from around 15 weeks in the middle of the 1700s to about 15 days by 1840.

About 30 different languages were spoken by the staff and officials of Ellis Island.

More than 20 million immigrants came to the United States between 1880 and 1920.

In 1897, a fire destroyed the five-year-old immigration center on Ellis Island. In 1900, a new, fireproof center opened. By 1914 there were 33 buildings, including a chapel, hospital, and laundry.

About 10 million Africans were brought to the Americas as slaves. Most African-Americans are their descendants.

Over 100 million Americans, two fifths of our population, can trace their roots to a relative who passed through Ellis Island.

Thousands of newly arrived immigrants settle in New York City every year. More than 100 different languages are spoken there.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000157).

391. Lesson 19 elicits the following from students:

Learn

Notice Details about Ellis Island

PAIRS

Students review the illustrations on pages 22–29 of *Coming to America*. With a partner, students take turns explaining how they think the people in one of the illustrations feel, using evidence from the illustrations and text.

- I think the people in line on page [26] feel nervous because they know they're being checked over. I see the man pointing at the woman at the front of the line, and the text says, "First the immigrants were given a quick examination by doctors" and "Some people were kept on the island for observation." That must have been a little scary.
- I think the woman and child on page [27] are very sad because their relative has to return to their home country. The woman looks very sad and the child is crying, reaching toward the person who is walking away. Families must have been frightened and very sad when they were not allowed to stay together.
- I think the people standing in line on page [28] are worried because they have to answer questions that the officials ask. Nobody in the picture is smiling, and the text says, "Now the immigrants were asked a long list of questions." If you could not speak English, this must have been very hard.
- I think the family on page [29] is happy because they are finally able to enter their new country and be together. Everyone is smiling and the man is hugging the wife and children. They all look happy and relieved.

Scaffold

Provide a sentence frame to help students:

- I think [character(w) pictured] feels _____ because _____.

Remind students that they are taking turns and listening carefully to their partner's thoughts.

Display a two-column chart with these headings:

What made Ellis Island a positive experience	What made Ellis Island a challenging experience

In pairs, students reread pages 22–30 and record details that explain how passing through Ellis Island was both a positive experience and a challenge.

Student responses may include:

What made Ellis Island a positive experience	What made Ellis Island a challenging experience
Long journey finally over	Long lines and more waiting
People could get treatment in hospital	People with health problems had to go back, families were separated
Translators tried to help people	It was hard for people to answer questions in a language they didn't know
	Laws were unfair about who could come in

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000158).

392. Lesson 20 in the Immigration module calls for students in the third grade to discuss whether immigration laws were fair, and whether immigration was positive or negative or complicated. It recites students to discuss that “millions of Africans were brought against their will and enslaved, and American Indians were displaced by settlers and immigrants.”

Fourth Grade

393. In the fourth grade students are introduced to books that contain highly inappropriate material which includes, suicide, affairs, sexual encounters, rape, murder, drunkenness, naked women, butchering people and chasing women.

394. Love that Dog, is replete with discussion on the topic of death. Specifically on pages 25-28, the story is presented of a child who goes to the animal shelter and is made aware that some of the dogs will be euthanized. And on pages 68-72, the child witnesses his won dog being hit and killed by a car.

395. In the book Hatchet, the main character Brian is traveling to see his father when his plane crashes. The pilot dies right in front of him. As Brian's parents' recent divorce is weighing heavily on him, he also has to hold and live through his mother's secret affair. In his despair of being stranding and the chance of not being found, Brian tries to commit suicide with the hatchet his mom gave him as a gift.

396. In total Hatchet references death or dying 59 times. The main topics of the book, suicide, infidelity, and death, are mature topics and not age appropriate for a fourth grade audience.

397. The Committee acknowledged that the book is troublesome and needs instructional adjustment. In fact, the Committee stated that teachers should "consider having the counselor be available to conduct lessons in classrooms around timing of book – the 'big problem, little problem' lesson would be an appropriate example. Additionally, counselors and administrators should consider holding parent meetings to discuss topics and strategies related to mental health."

398. The Committee shared its belief that the book has educational value and is acceptable because the "teachers have been asked to read chapters 1-7 aloud, passing out the books beginning with chapter 8. By holding onto the book up until this point, the teacher can control the

spacing of the lesson and controls the discussion of when the pilot dies, as well as the main character seeing his mother kiss another man.”

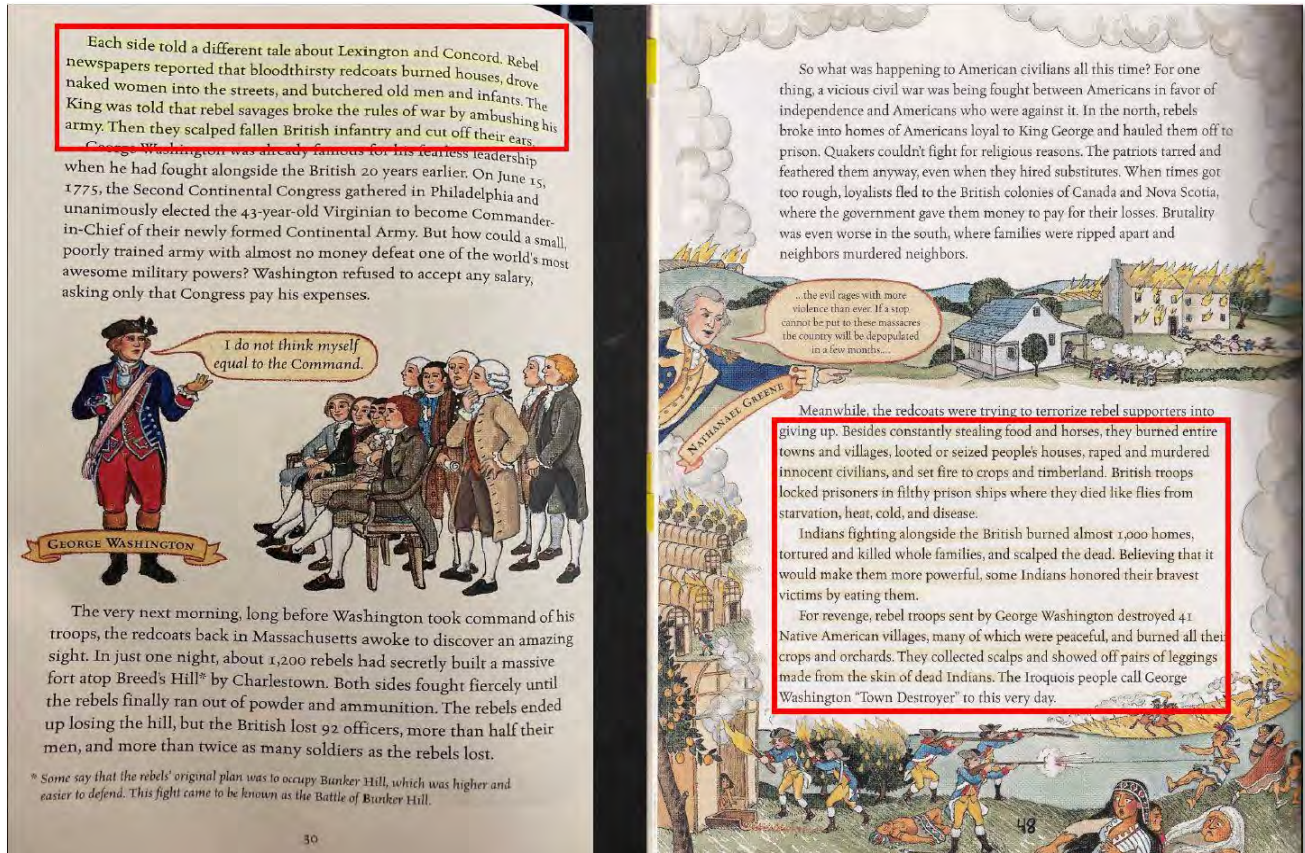
399. Plaintiffs alleges that if counselors, administrators and parents need to be put on notice of these risks, and half of the book needs to be edited by the teacher, the book is not appropriate for school-aged children.

400. George vs. George: The American Revolution as Seen from Both Sides, is the story of George Washington and King George of England at odds during the Revolutionary War. However, the story is full of age inappropriate content.

401. As one English Language Arts teacher has commented on this specific book regarding racial stereotyping:

I am deeply troubled by the use of “George vs George” as a Module 3 text for grade 4. Though it is cited by the curriculum as a “balanced account of different perspectives” during the American Revolution, there are parts of the text that are dehumanizing toward Native Americans, offering an incomplete and inaccurate account. This sort of writing reinforces Native American stereotypes and helps to justify the massacres that took place during the revolution. For example, on page 44, Native Americans are called “Indians” who “scalped the dead” and “honored their bravest victims by eating them.” The historical evidence that supports this notion is flimsy at best. Additionally, the illustrations of Native Americans throughout the book are inaccurate and again, reinforce stereotypes. I understand that this particular section of the book is not taught in the curriculum. However, I have students that enjoy reading ahead. I will definitely spend some time contextualizing this page for my students, but I encourage “Wit and Wisdom” to include an addendum that gives guidance on how to approach this aspect of the text.

402. Here are excerpts from George vs. George:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000175).

403. Some glaring examples of age-inappropriate content are as follows: page 22 there is a line regarding “getting drunk, chasing women;” Page 30 which states, “Each side told a different tale about Lexington and Concord. Rebel newspapers reported that bloodthirsty redcoats burned houses, drove naked women into the streets, and butchered old men and infants. The King was told that rebel savages broke the rules of war by ambushing his army. Then they scalped fallen British infantry and to cut off their ears;” and on page 48 the book has a passage that reads, “Meanwhile, the redcoats were trying to terrorize rebel supporters into giving up. Besides constantly stealing food and horses, they burned entire towns and villages, looted or seized people’s houses, raped and murdered innocent civilians and set fire to crops and timberland.”

404. As part of a lesson they students are shown an illustration of the Boston Massacre:

The Boston Massacre

1770

Engraved, printed and sold by [Paul Revere, Jr.](#)
American

📍 Not on view

The Bostonian silversmith-engraver Revere made this print in response to a violent confrontation between local residents and British troops on March 5, 1770. With two thousand soldiers billeted in the city to enforce the collection of taxes on imported goods such as tea, tensions grew and skirmishes became commonplace. On the night in question, Americans threw stones and ice balls at a lone guard stationed outside the Custom House. Reinforcements were called, a tense standoff ensued, and rifles eventually fired. Crispus Attucks, a multiracial dockworker shown here in the foreground, was among the five fallen Americans. Issued on March 26, Revere's image casts the British as instigators and callous executioners. Often copied and widely distributed, it helped push the colony toward revolution.



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000176).

405. In Lesson 29, which follows the discussion of the Boston Massacre, students are asked to discuss their opinions on whether the soldiers acted in self-defense or whether the soldiers are guilty of murder:

What is an Opinion?

WHOLE GROUP

Teacher Note

The words *perspective* and *opinion* are often used interchangeably, even though they are different yet related concepts. In this module, we use the word *perspective* when trying to understand and explain how a person views something and why that person has a certain stance on a topic. We use the word *opinion* when referring to the expression of those views. A person establishes a *perspective* on a topic based on what she knows, how she interprets information, and what she sees, feels, or believes. Then the person forms an *opinion* about that topic which influences what the person says and does. These concepts can be confusing for students so it is important to guide students to understanding the differences. A flow chart is helpful for conceptualizing the relationship between the words.

Information and Experiences → Perspectives → Opinions

To make connections between the writing in the first arc and in the second arc, remind students that in the last arc, they learned many important facts and details about some events leading up to the American Revolution. Remind them that they also learned how to write about those facts and details in an explanatory essay. Explain that in this arc, students will use what they have learned to understand the different colonial perspectives related to another important Boston event. They will also experiment with opinion writing.


Post the Craft Question and read it aloud to the class:

What is an opinion?

✓ Instruct students to open their Vocabulary Journals. Write the word *opinion* on the board. Ask students to give a fist to five rating of how familiar they are with the word *opinion*. Explain that:

- Raising five fingers means that students are very familiar.
- Raising three or four fingers means that they are somewhat familiar.
- Making a fist (to indicate zero) means that the students never heard this word.

Call on those with a three rating to explain where they have seen or heard the word *opinion* and what they think it means. Record comments on the board or chart paper. Follow this by asking those with a five rating to add any missing details. Using the information from the discussion, groups of two or three students Think-Pair-Share and write a working definition of the word *opinion*.

Once students have generated their own definition, display the following definitions of *opinion* :

Word	Meanings	Synonyms
Opinion (n.)	<ul style="list-style-type: none"> ▪ What one thinks about a person or matter, especially a judgment not necessarily based on fact alone. ▪ An idea a person has that is influenced by his or her values, beliefs, and life experiences, as well as facts. 	View Feeling Conviction Viewpoint

Read the information in the chart and discuss with students. Provide students a few minutes to add the word to their Vocabulary Journals.

Write the following prompt on the board and read it aloud to the class.

“In your opinion, did the soldiers of the Boston Massacre act in self-defense or should they go to jail for killing unarmed colonists?”

In small groups, students create an oral response and support it with reasons.

- *In our opinion, the soldiers acted in self-defense. The colonists may have been unarmed, but they were throwing rocks and ice which could be considered as weapons. The colonists actually started the fight.*
- *In our opinion, the soldiers are guilty of murder. The colonists were only throwing snowballs which are not deadly. The soldiers over-reacted and fired their guns at unarmed men.*

Ask students who believe the soldiers were innocent to stand on one side of the room, and students who

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000177).

406. The Committee concluded that the text needs instructional adjustment and stated that “when planning for the lessons related to this text, pay close attention to words that may be inflammatory when read aloud. Plan for replacement words as warranted.”

407. The Committee also noted “that this book is not to be read in its entirety.”

408. Because the book is admittedly inappropriate, words must be substituted and it must not be read in full; and yet it is still included in the curriculum.

409. There is one book that has been removed from the Wit & Wisdom curriculum: Walk Two Moons.

410. The level of inappropriateness is demonstrated on page 198, which reads, “Jane doesn’t know the first thing about boys. She once asked me what kisses taste like, so you could tell she hadn’t kissed anyone.” In another passage, there is the following exchange about sex, “Isn’t that interesting,” Mr. Birkway said, “to find both? Isn’t it interesting to discovery that snowy woods could be death and beauty and even, I suppose, sex? Wow! Literature!” “Did he say sex?” Ben said, copying the drawing.

411. However, up until January of 2022, fourth grade students were reading a book replete with topics that included sexual content, death, murder, still born babies, and miscarriage.

412. Woods Runner is the tale of the wild frontier of British Pennsylvania, 13-year-old Samuel is a "woods runner," or someone who hunts food for his entire settlement. Growing up sheltered by his gentle parents, Samuel feels far from the American patriot war they have barely heard about -- until his village is attacked and burned, leaving neighbors murdered and his parents kidnapped by Iroquois and British Redcoats. Armed with only a knife and a rifle, Samuel uses his forest skills to track the kidnappers. When he learns that his parents, as prisoners of war, are being taken to New York, Samuel sets out into enemy territory.

413. The text is violent and graphic, describing cruel acts of violence throughout the story, how prisoners are treated inhumanely, describing in detail what dead bodies look and smell like. It tells of dead children and murdered parents, and scalped, bloody, and dismembered victims of war. It describes what happens to a face after its owner has been scalped. The book discusses the horrors of the American Revolutionary War and tactics taken by many military men of the time that are manifestly age-inappropriate for fourth grade students.

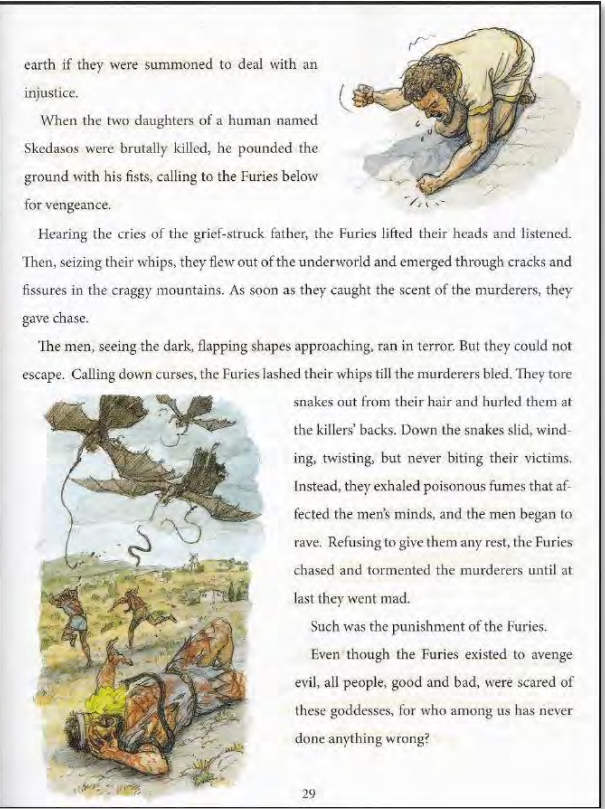
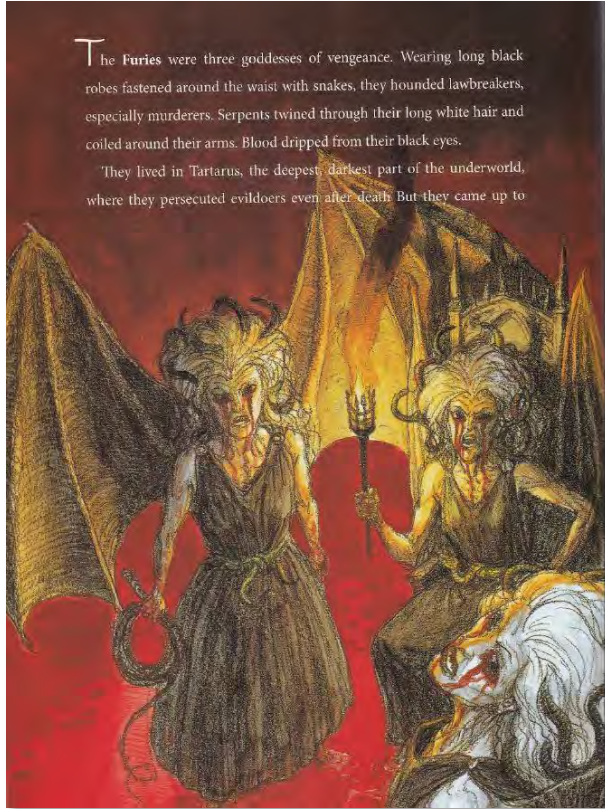
414. Another book in the Wit & Wisdom curriculum for fourth graders discusses the topic of cannibalism. Pushing Up the Sky: Native American Plays for Children contains the tale of “The Cannibal Monster”, which morphs into the explanation for mosquitoes.

415. The Committee did not take issue with the tale of “The Cannibal Monster” and stated that the book is not read in its entirety and is therefore not an issue.

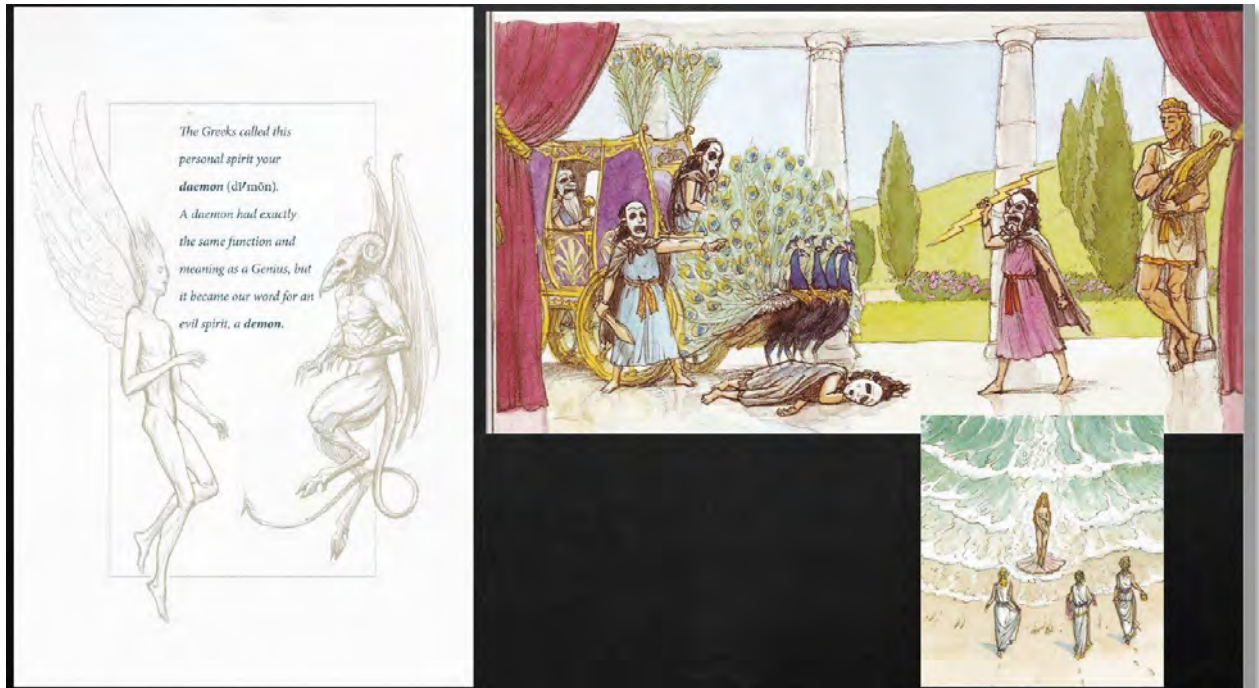
416. And yet this same theme of cannibalism and demons continue in the book Gifts from the Gods: Ancient Words and Wisdom from Greek and Roman Mythology.

417. Understanding Greek Myths, is supposed to be a book about Greek mythology. However, it contains topics about cannibalism, sex, breasts and beheadings. There is a tale that explicitly includes the eating of children.

418. The book is filled with age-inappropriate pictures and accounts. For example: page 28 contains a dark story with an even darker illustration of a monster with blood dripping from its eyes, and snakes for hair. Page 34 contains an illustration of a demon. Page 37 has an illustration of the goddess Venus naked, coming out of the ocean. Page 76 contains the story of Tantalus and how he cooks, serves and eats his son.



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000181).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000182).

419. The Committee stated that because pages 28 and 34 are not used in the classroom and the book is not read in its entirety, the book is okay.

Fifth Grade

420. In the fifth grade, children as young as ten and eleven years old are continually exposed to concepts of suicide, extramarital affairs and graphic depictions of the civil war.

421. Lesson 1's vocabulary study guide include words such as "aliens" "amputated", "mutilate", "slavery", and "sober".

422. Thunder Rolling in the Mountains is supposed to be a tale about the tragic defeat of the Nez Perce Indians in 1877 by the United States Army as told by Chief Joseph's strong and brave daughter. However, the book is filled with depictions of killing with graphic bloody images True to CRT teaching, it portrays white people as "bad" or "evil" or people who "couldn't be trusted".

423. On twelve separate pages of Thunder Rolling in the Mountains, "kill", "killing", "murdered", "shoot", "shot", "dead", or "cut", is written:

Page 11: "We are surrounded by soldiers who are here to drive us from our homes or to kill us..."

Page 17: "I saw myself riding into the soldiers camp with a torch, setting fire to their tents. I saw myself take aim with my rifle and shoot a soldier from his horse, I saw another soldier running across the meadow, and I shot him too."

Page 21: "You are a fighter against those who want to kill you."

Page 24: "Let us stay and kill them."

Page 32: "He once murdered a Ne-mee-poo who was crippled and could not walk."

Page 32: "Crazy, he jumped down from his horse and was about to kill the old man Ferocious Bear took his kife away and threw him to the ground."

Page 35: "Let the soldiers know we will kill them all."

Page 39: “So many bullets struck around us that my eyes smarted from the dust.”

Page 42: “A soldier’s bullet went in the back of his shoulder and came out through his chest.”

Page 50: “with a stone knife, he cut the monster’s heart from its body.”

Page 111: “He aimed carefully. The shot echoed through the quiet air and the antelope fell dead.”

424. The Teacher Manual discusses how Chief Joseph is “too kind to whites”; how “white people were their enemy”; the beginning of the hatred and violence between white settlers and native tribes”; and how the Nez Perce chiefs were being killed and the people were dying:

Learn

Summarize and Share about Chapters 14-16

WHOLE GROUP

Invite one or two students to share their predictions for chapter 17 based on clues at the end of chapter 16. Ask students to cite specific evidence from chapter 16 to support their predictions.

As a whole group, briefly review key events in chapters 14-16. Ask: “What other events and details did you notice and wonder about as you read chapters 14-16? Which events and details stood out to you as significant or important in some way—and why?”

Invite volunteers to review their homework notes and share some of the events and details that stood out as significant in chapters 14-16, and explain why these events or details might be important.

- I noticed that the Nez Perce were counting on their former allies, the Crows, for help, but the Crows refused. This might put them in greater danger because they are alone.
- Chief Joseph’s words on page 79 really struck me. He says that all of the white people were their enemies, but now they cannot trust the tribes either.
- I was surprised and scared to learn that the Crows fought against the Nez Perce in chapter 15. They knew they couldn’t rely on the Crows for help, but now they are fighting for the soldiers, against the Nez Perce.
- I noticed that their food supply is getting low and the weather is turning cold. This seems important because they will grow weaker and less able to fight.
- I think the argument between Lean Elk and Looking Glass is important. Lean Elk wants to keep the tribe moving, but Looking Glass wants to travel more slowly. If they do, I think they will be in great danger.

Teacher Note

In his speech to the chieftains on page 79, Chief Joseph refers to the Battle of Sand Creek or Sand Creek Massacre. Share with students that in 1864, a group of 700 soldiers in the Colorado Territory militia attacked a village of Cheyenne and Arapaho people in present-day southeastern Colorado. They killed about 150 Native Americans, mostly women and children, and destroyed the village. Chief Joseph marks this event as the beginning of the hatred and violence between white settlers and Native American tribes.

1 What does Sound of Running Feet mean on page 7 when she says that Chief Joseph is a “chieftain” but “not a warrior?”

Scaffold

Encourage students to use word parts and context clues from the passage to help them define the words.

- Chief Joseph is a leader for his people. He is peaceful and not looking for opportunities to fight.
- Sound of Running Feet tells us he is “a kind and gentle man, for me too kind with the whites.”

Provide these definitions for students to add to the “New Words” section of their Vocabulary Journals:

Word	Meaning	Synonyms/Examples
Chieftain (n.)	The head of a group or tribe	Chief, captain, leader
Warrior (n.)	Someone who fights like a soldier	Soldier

In pairs, students discuss the next two TDQs, recording their responses and what they learn about Chief Joseph in their Response Journals. Remind students to refer to the passage on pages 6-7 for evidence to help them answer the question.

Circulate and provide support as needed as groups work together to answer the TDQs.

Scaffold

Work with a small group of your most striving readers to reread this passage and answer the TDQs.

2 According to the text on page 7, Chief Joseph was chosen as the people’s chieftain “because he could see far away into the land of the suns and moons that had not yet risen. At the snowflakes before they fell. The small green worm deep in the ruddy apple. The thought before it is spoken.” What do these images help you understand about Chief Joseph’s character? Choose the two best answers.

(A) They show that he speaks before he thinks.
(B) They show that he has a reputation for being wise.
(C) They show that he has traveled to many far off places.
(D) They show that he can see the outcome of events before they happen.

- B
- D

3 According to this passage, how do Sound of Running Feet’s and Chief Joseph’s opinions about going to war differ? How do these opinions show their differing beliefs or values?

- Sound of Running Feet believes that her father is too kind to the whites. She feels that her people should “stand and fight” the white settlers and soldiers.
- Chief Joseph insists that if they fight, they will be quickly defeated.
- It shows that Chief Joseph values peace and the safety of his people.
- It shows that Sound of Running Feet believes in fighting for what she believes is right, no matter what.

Briefly discuss each of these TDQs as a whole group, selecting different pairs to share and explain their responses.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000184; PCT000185).

Learn

Explore Figurative Language

WHOLE GROUP

Remind students that authors use figurative language in their writing to make their writing more descriptive and more interesting to read. With figurative language, readers can more easily visualize in their heads what authors are writing about. Share the following definitions and examples with students to contrast literal language with figurative language:

- Literal language - using words to mean exactly what you say
 - Example - It's hot outside!
- Figurative language - using words in a way that is different than the actual (or literal) meaning
 - Example - It's so hot, I'm drowning in my own sweat!

Ask: "What words shouldn't be taken literally in the second, figurative example?"

- "Drowning in my own sweat."

Ask: "What does this second, figurative example really mean? Is this person really drowning in their own sweat?"

- It really means that someone is sweating a lot and it's really, really hot out.
- Someone isn't really drowning in their own sweat - that would be impossible!
- They are just really sweaty and maybe their clothes are wet from their sweat.

Teacher Note:

Understanding figurative language is **challenging** for many students, especially students with a limited vocabulary. Be prepared, as needed, with other examples of literal versus figurative language that your students can relate to. Examples can be of any type of figurative language at this stage.

Tell students that before they read Chief Joseph's "Lincoln Hall Speech," they will look at several examples of figurative language from *Thunder Rolling in the Mountains*. Instruct students to open their text to page 107 and point to the paragraph at the top of the page. Remind students that in this part, Chief Joseph is surrendering to Colonel Miles.

Read aloud the first two paragraphs on page 107, ending with "...drew his blanket over his head."

Explain to students that the first paragraph has many examples of literal language. Think aloud about an example of literal language you noticed:

"The first sentence of this paragraph, 'I am tired of fighting,' tells me that Chief Joseph is actually tired of fighting. He literally doesn't want to or can't do it anymore."

Ask: "Why is the next sentence, 'Our chiefs are killed,' another example of literal language?"

- It is true that the Nez Perce chiefs have been killed.
- The chiefs are literally dead. Chief Joseph means exactly what he says.

Instruct students to Think-Pair-Share, and ask: "Chief Joseph says, 'The little children are freezing to death.' Is that an example of literal or figurative language? How do you know?"

Before engaging in a full class discussion about this question, have students silently vote by making an "L" with their fingers for literal and an "F" with their fingers for figurative based on their conversation with their partner. Then, have two or three students, preferably at least one student for each side, share their reasoning. Be prepared to share a reason from each side if students don't get there on their own.

- This is an example of literal language because it's very cold outside and many members of Chief Joseph's tribe may actually be freezing and dying from the cold.
- This is an example of figurative language because I've heard this saying before. People say they are freezing to death when they are really cold. They say it to make a point, not because they die from the cold.

Affirm for students that this example shows how tricky the English language can be and how being a careful reader who questions the text is such an important skill to develop.

With a partner, have students reread the second paragraph on page 107, beginning with, "He raised his arm." Have partners find one example of literal language and one example of figurative language in that paragraph.

Teacher Note:

Pass out sticky note flags for students to place in their books to tag the two examples if students are unable to mark in their texts. Otherwise, students may point to their examples or write their examples on sticky notes.

Scaffold

For striving learners, prompt them with additional questions as they search for evidence. Ask: "What are you learning about how Chief Joseph is feeling in this paragraph?" If needed, ask even more specific questions such as, "Can Chief Joseph feel tired?" or "Can a heart feel sick? Can a heart feel sad?"

Use Equity Sticks to call on two or three students to share their examples of literal and figurative language.

- An example of literal language is, "I am tired."
- An example of figurative language is, "My heart is sick and sad."
- An example of figurative language is, "From where the sun now stands, I will fight no more forever."

Once you are sure all students have correct examples, instruct partners to explain on a sticky note what the figurative example, "My heart is sick and sad," means. Tell students they cannot use the words "heart," "sick," or "sad" in their explanation as this will best prove they understand the example. Provide students with this sentence frame:

- Chief Joseph means _____.

Extension

Advanced students and early finishers might find the other figurative language example, "From where the sun now stands, I will fight no more forever," using the same sentence frame.

Scaffold

For striving students, make the connection that the word "heart" is a clue that the speaker is talking about emotions or feelings. Ask, "What feelings does Chief Joseph have based on his heart being sick and sad?"

After two to three minutes of work time, ask several volunteers to share their explanations with the class.

- Chief Joseph means...
 - He is disgusted by the fighting and death.
 - He feels bad about his people dying and being forced off of their land.

(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000186; PCT000187).

425. Homework assignments for *Thunder Rolling in the Mountains*, prompts children to discuss death and dying; to draw pictures of weapons:

Word	Meaning	Synonyms/Examples
Impact (v.)	To affect directly.	affect, influence

1. Think back to *Thunder Rolling in the Mountains*, which you read during Module 1. How did the war with the U.S. government impact Chief Joseph, his daughter Sound of Running Feet, and the Nez Perce tribe? List at least two examples of how this war impacted these people.

1 People died a lot (like Swan, Neakic, The Mom)

2 They drove their tribe away.

2. Now, think about wars in general. In what ways can war impact people from any country during any time period? List at least two examples of how war can impact people.

1 People die a lot

2 It could impact the world in general.

Lesson 2

In your Response Journals, students create a T-chart, labeling the left-hand column "North" and the right-hand column "South." Then, list the differences between the North and South that you learned from the previous lesson.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000188).

dear daughter, I am disappointed
in you. You did not join us for
our surrender, but I hope you're
well. The blue coats are treating
us badly, they keep moving us
everywhere. I am sick of it, we
should of crossed the border
and get to sitting Bull's camp.
A quarter of us are dead, and
im sorry to say this but, Bending
willo is dead. Anyways I hope
your well but your probably sad.

Your Father
chief Joseph

P.S: Did you marry Swan
Necklace yet?

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000190).

Dear Father

How is the tribe doing with the blue coats? What is Bending Willow and Deer WOMEN doing? Swan Necklace is DEAD because of an Asinbian man. His name is Charging Hawk, he lived me more than the other Asinbian women. Now me and Charging Hawk had to get married. When there was enough smoke, I grabbed my gun, and the marriage blanket and ran.

I'm in the Old Lady's country now. I'm with White Bird now and the other Nez Perce that had. Do you know why I didn't want to surrender, because I didn't trust the white men / The Blue Coats. I went to sleep out at night after everybody was quiet. That's when Swan Necklace came to.

XOXO, Sound of Running Feet

(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000192).



(Affidavit of Patricia J. Luente Collective Ex. A Bates Stamp PCT000193).

426. The Committee acknowledged that the book “is inherently heavy content”, but nonetheless stated “ – the graphic detail is not excessive, however.”

427. The River Between Us, is a book about the civil war that contains age-inappropriate topics filled with war, killing, blood, a boy loses an arm in battle, smoking, drunkenness, marriage out of wedlock, sensuality, suicide, prostitution, depicts minstrels in ‘black face’, and discusses white people as “bad”, “evil” and “couldn’t be trusted.”

428. The Teacher’s manual calls for teachers to “focus students attention on the following details”:

Walden/J. Lucente

Learn

Read Chapter 12 to Notice and Wonder

WHOLE GROUP

Read aloud pages 124–127 of chapter 12, ending with “We waited until she banged the door to behind her,” on page 127. As students follow along in their own copies, they annotate with sticky notes places where they learn details about Delphine’s life and culture—who she is and where she comes from.

Students share their annotations with the full group. Ask literal comprehension questions, such as those suggested in the Teacher Note below, as needed, to focus students’ attention on the following details:

- Mrs. Hanrahan refers to Delphine as a “colored gal” (125).
- Delphine refers to herself as a “free person of color,” or *gens de couleur* (126).
- Delphine’s father, Jules Duval, is a white planter with a white family and a colored family. (126)
- Mrs. Hanrahan refers to Delphine as “one of [Duval’s] colored family” (126).
- Mrs. Hanrahan refers to Delphine as being “nothin’ better than a freed slave” if the South loses the war (126).
- Mrs. Hanrahan suggests that Delphine is light enough to pass for white (126–27).

Teacher Note

Suggested questions to support understanding include:

- How does Mrs. Hanrahan address Delphine on page 125?
- How does Delphine describe herself on page 126?
- Describe Delphine’s father, as depicted on page 126.
- Knowing that Delphine’s father is a white man, what does Mrs. Hanrahan mean when she calls Delphine one of his “colored family,” on page 126?
- What does Mrs. Hanrahan liken Delphine to, on the bottom of page 126?
- What do we learn about Delphine’s skin tone on pages 126–27?

Then, in Response Journals, pairs generate a list of questions they have about Delphine’s life and culture based on your reading and their review of this section of the text.

Invite students to share their questions with the whole group; record these questions, and return to them at the end of the lesson.

Teacher Note

Delphine’s revelation in this chapter raises complex questions about her life and culture and about race and gender, as well as the implications of these issues for the characters in the story. At this point in the reading, students will likely have more questions than answers. Assure them that this is okay and that they will have an opportunity to address and clarify many of their questions over the next several lessons.

Read aloud the rest of chapter 12, beginning with “I was as near to Delphine...” on page 127; students continue to annotate details that help them understand more about who Delphine is and where she comes from. Additionally, students note answers to any of their noticings, wonderings, and questions.

When finished reading chapter 12, invite students to share annotations and additional questions with the whole group. Add these questions to the class list; answer questions that can be addressed using the text.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000194).

429. More specifically on page 128 there is a discussion about white men fathering children with mistresses even as they maintained legally sanctioned marriages to other women.

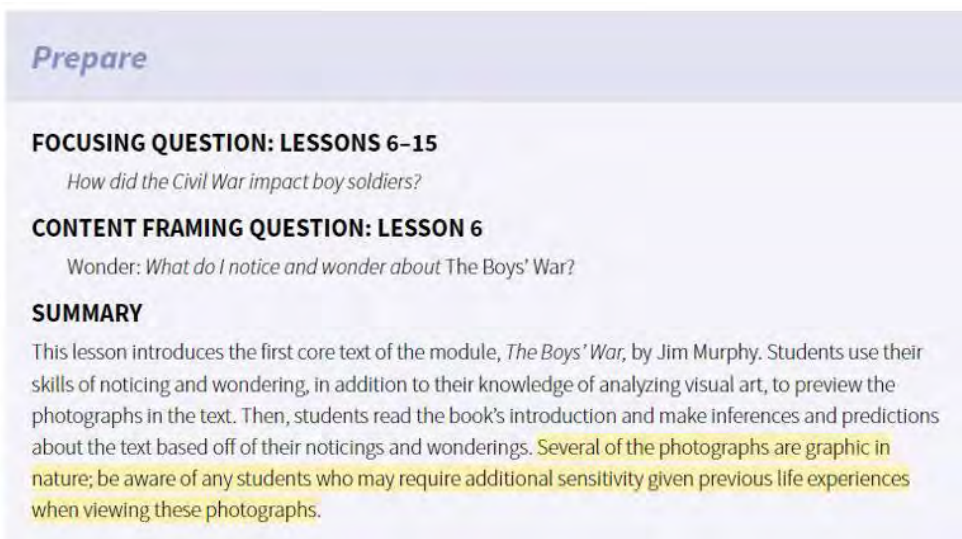
430. The Committee determined that instructional adjustments needed to be made when teaching this book; “specific adjustments to the text, omission of specific vocabulary words, []

specific instructional reminder to students [will be made], and desc[riptions] in depth significant modifications to the teacher edition exercises [will be made].”

431. We are the Ship: The Story of Negro League Baseball, is the story of the African American baseball league. However, the book contains a discussion of “being hanged” and makes reference to the “N” word.

432. The Committee did not think the book’s usage of “..N-I-G-..etc.” should be of concern when taught to fifth graders.

433. The following excerpt from a lesson plan in the teacher’s manual for The Boys’ War, gives a warning that the photographs are graphic in nature:



Prepare

FOCUSING QUESTION: LESSONS 6-15
How did the Civil War impact boy soldiers?

CONTENT FRAMING QUESTION: LESSON 6
Wonder: What do I notice and wonder about The Boys' War?

SUMMARY
This lesson introduces the first core text of the module, *The Boys' War*, by Jim Murphy. Students use their skills of noticing and wondering, in addition to their knowledge of analyzing visual art, to preview the photographs in the text. Then, students read the book's introduction and make inferences and predictions about the text based off of their noticings and wonderings. Several of the photographs are graphic in nature; be aware of any students who may require additional sensitivity given previous life experiences when viewing these photographs.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000200).

434. The Boys’ War: Confederate and Union Soldiers Talk About the Civil War; contains graphic and violent depictions of war. For example on page 87, there is a passage that states; “they had tents for those who were worse off, and where they were amputating arms and legs. There was a wash out back of one tent that had a wagon load of arms and legs. The legs had shoes and stockings on them.”

435. The Teacher’s Manual explains to teachers that “several of the photographs are graphic in nature; be aware of any students who may require additional sensitivity given previous life experiences when viewing these photographs.”

436. The Teacher’s manual warns teachers not only in the Summary of the lesson but again in the “preview a text” portion of the graphic nature of some of the photographs.

437. The following depictions are excerpts from The Boys’ War, of graphic photographs that “may require additional sensitivity” and that require teachers to have students keep the book closed to limit disruption:



This unidentified Confederate soldier had his leg shattered early in the battle. He wrapped a cotton shirt around the wound and continued fighting until a bullet struck him in the heart.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000205).



Soldiers killed at the Battle of Antietam, 1862.

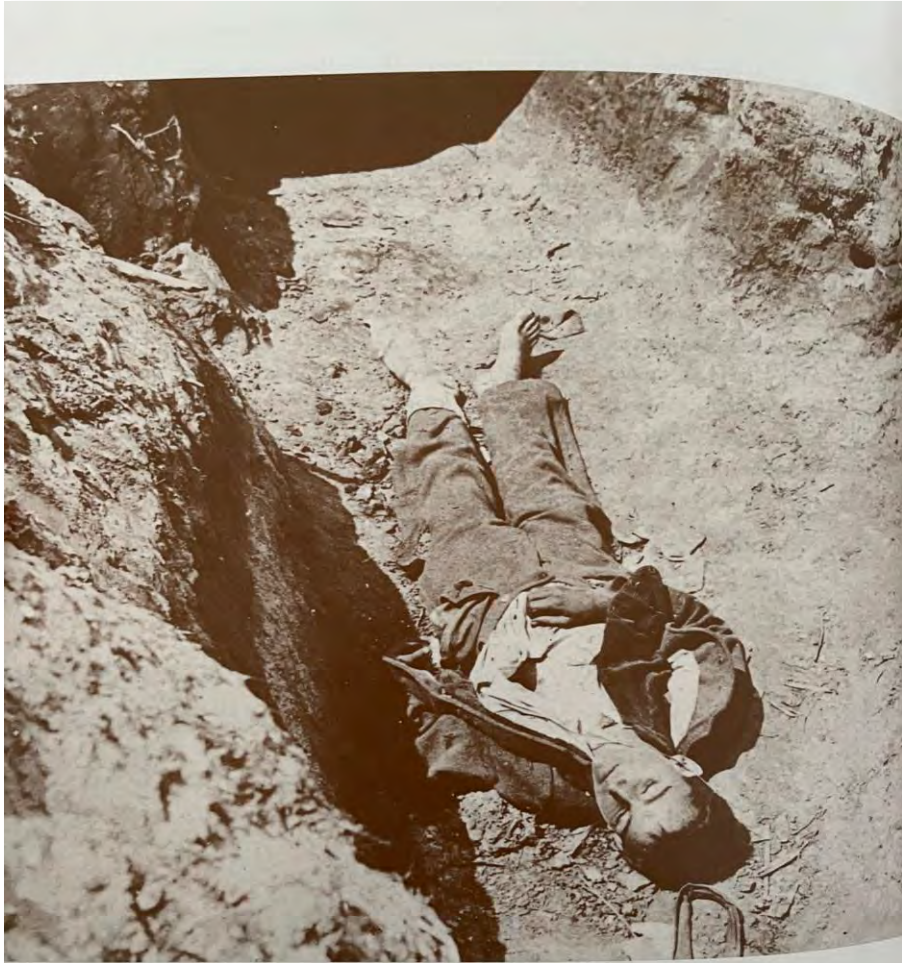
Suddenly, the war that had been a romantic dream was all around them like angry bees. Elisha Stockwell found himself facedown on the ground, shells exploding all around and soldiers screaming for help: "I want to say, as we lay there and the shells were flying over us, my thoughts went back to my home, and I thought what a foolish boy I was to run away and get into such a mess as I was in. I would have been glad to have seen my father coming after me."

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000206).



This Virginia boy, Andrew J. Hoge, was killed at Gettysburg, 1863. It would be over a year before his remains were collected and buried.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000208).



A fourteen-year-old Confederate soldier killed by bayonet at Fort Mahone.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000209).



Just a few of the dead left on the field at Gettysburg.

Living every day with so much death and mutilation took a profound emotional toll on these boys. Where it might have stunned them before, made them physically ill, and stirred longings for the safety of home, now they turned off those feelings. They rarely dwelt on encounters with death for long and instead ignored them in order to get on with other things. Galway ends his journey through the Manassas battlefield with, "Horrid sights are, to an old soldier, horrid no longer. Toward evening we bivouacked near Gainesville."

It isn't hard to imagine why they acted like this. They had joined the army with friends and neighbors and through shared experiences created a new "family." But as they were becoming a more unified group, the war was slowly eating away at their numbers. Elisha Stockwell had

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000211).



A burial detail gathers up what is left of the dead at Cold Harbor, Virginia, 1865.

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000212).

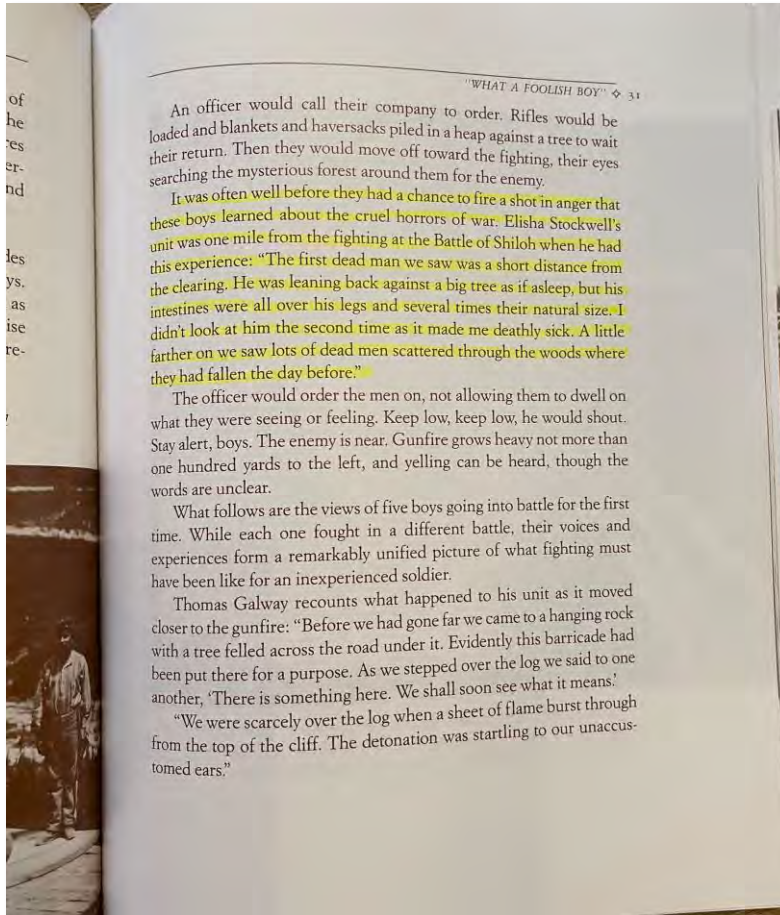
The enemy moves some cannons into place and looses a terrible volley of shot and shell. Galway details its effect: "Lieutenant Delaney is shot. . . . Lieutenant Lantry, poor fellow, is annihilated instantly, near me. The top of his head is taken off by a shell. Our company is narrowing more and more. There is but a small group of us left. Fairchild is bleeding; Campion falls, mortally wounded; Jim Gallagher's head is badly grazed and he rolls, coiled in a lump, down into a ditch."

In the opening months of the war, the tendency would have been for one or the other side to pull troops back to safer locations. Better to yield ground than to give up lives needlessly. But as the war dragged on, pressure mounted from the citizens and politicians back home for some sort of resolution to the conflict. This pressure was passed along to the commanding officers of both armies, resulting in longer and fiercer battles.

Confederate sharpshooter killed at Gettysburg.



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000213).



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000214).

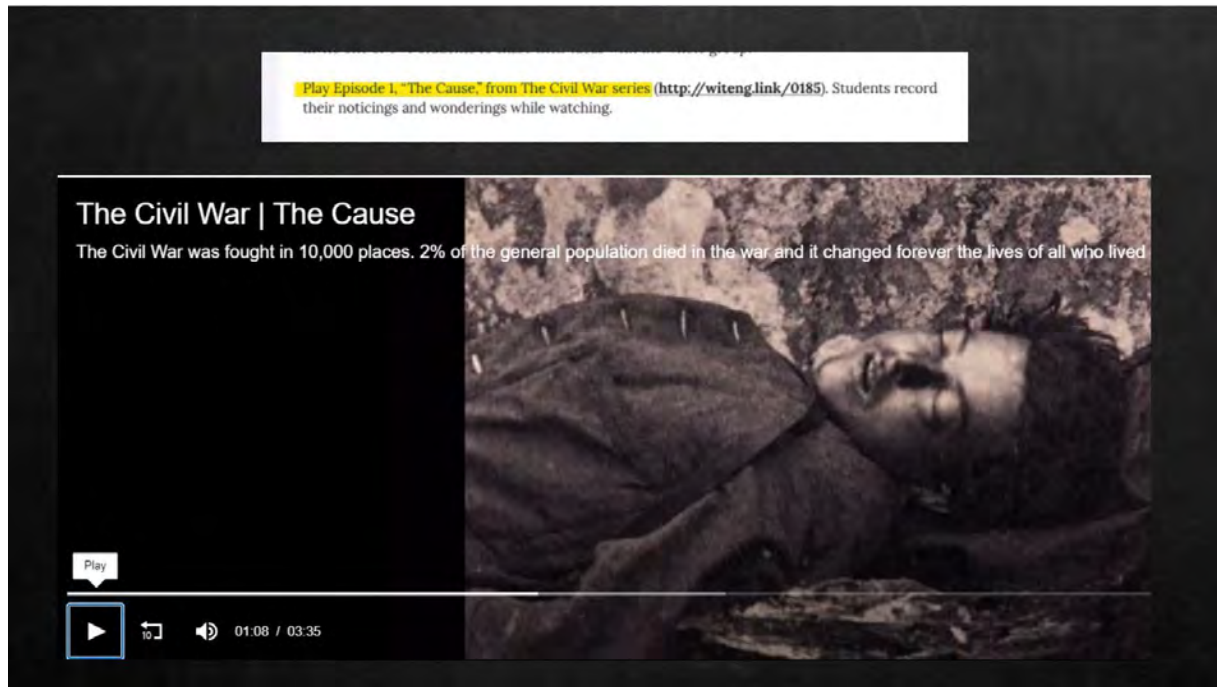
438. One English Language Arts teacher has commented on this specific book and has stated:

Kids are sick of the guns, amputated limbs, gangrene, wagon loads of bones, and grave sites. One student told me he was being traumatized. This book Boys' War should NOT be for a ten year old.

439. Another English Language Arts teacher has stated:

We put sticky notes over all of the pictures of dead soldiers, because they upset many of my students.

440. Students are shown a film called “The Civil War The Cause by Ken Burns.”³⁸ The video has multiple graphic photographs of dead, decaying soldiers:



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000215).

³⁸ <https://www.ket.org/program/the-civil-war/the-cause/>



(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000216).

441. Students are given an article on Civil War Medicine, which shows photographs of men with amputated limbs and states, “from the stench of putrefying flesh wafting through unsanitary and crowded camps to the unglamorous illness of syphilis and dysentery...”

442. Students are also given an article on “Civil War Casualties”, with a photograph of dead soldiers in a field.


Civil War Casualties

The Cost of War: Killed, Wounded, Captured, and Missing

Also offered in: [Español](#)



Union dead after the Battle of Gettysburg, Gettysburg, Pa., 1863. Photo by Alexander Gardner

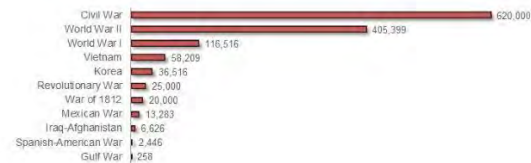
 Share to Google Classroom

The Civil War was America's bloodiest conflict. The unprecedented violence of battles such as Shiloh, Antietam, Stones River, and Gettysburg shocked citizens and international observers alike. Nearly as many men died in captivity during the Civil War as were killed in the whole of the Vietnam War. Hundreds of thousands died of disease. Roughly 2% of the population, **an estimated 620,000 men**, lost their lives in the line of duty. Taken as a percentage of today's population, the toll would have risen as high as 6 million souls.

The Numbers Illustrated

The human cost of the Civil War was beyond anybody's expectations. The young nation experienced bloodshed of a magnitude that has not been equaled since by any other American conflict.

Military Losses in American Wars



The numbers of Civil War dead were not equaled by the combined toll of other American conflicts until the War in Vietnam. Some believe the number is as high as 850,000. The American Battlefield Trust does not agree with this claim.

Civil War Battle Casualties

(Affidavit of Patricia J. Lucente Collective Ex. A Bates Stamp PCT000218).

The Ineffectiveness of the Opt-Out Provision

443. Parents are given the ability to “Opt-out” of any text within the *Wit & Wisdom* curriculum.

444. However, this exercising this option serves only to ostracize and stigmatize their child before their peers.

445. *Wit & Wisdom* uses “anchor texts” meaning that up to twenty lessons will “spiral” around a single book. The books discussed above are the anchor texts. When a parent ‘opts out’ of any given text, that child is made to sit in a separate location with, presumably, a different assigned activity.

446. However, if a child’s parents opts out of a book, they are thereby opting out of up to twenty lessons that are designed to teach their child to read and write.

447. The psychological effects of opting out are extremely detrimental. When a child is removed from their class and put in isolation from their peers the effects can be devastating.

448. The opt out curriculum is not being applied equally across the school district. Parents are given conflicting information regarding alternatives available for their children.

449. While Defendant Allen has assured some parents that alternative curriculum will be made available, other parents have been told by their individual principals that no such alternative curriculum exists.

Survey’s and Fostering Healthy Solutions

450. Fostering Healthy Solutions (“FHS”) is a diversity and inclusion consultant team hired by Williamson County Schools, that has, as one of its principal goals, working with the district on building a cultural strategy plan.

451. The District 12 parents in their meeting with Nancy Garrett discussed their concerns with this task force and the surveys it takes of children.

452. The District 12 parents expressed their concern that the survey links utilized by FHS, to collect student information, has zero protection; can be utilized multiple times by anyone; and due to the use of the same URL, it opens the door to data manipulation.

453. Furthermore, Shane Foster, the head of FHS, has stated his deliberate goals of changing policies within schools, which creates a huge conflict of interest.

454. Defendant Golden told Nancy Garrett that FHS is collecting data, supposedly anonymously, and provides WCS with analysis and feedback.

Public Policy and Rights Under Tennessee Law

455. Absent a specific grant of authority to local school boards, “the system of public education in [Tennessee] shall be governed in accordance with laws enacted by the general assembly and under policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in kindergarten through grade twelve (K-12). The policies, standards and guidelines shall be formulated by the state board of education, with such assistance from the commissioner of education as the state board may request.” *See* T.C.A. §49-1-102; see also Tennessee Constitution, Art. XI, §12.

456. It is well recognized that the Tennessee Constitution guarantees to school children the right to a free and public education. *See Tenn. Small School Systems v. McWherter*, 851 S.W.2nd 139, 151 (Tenn. 1993); *see also* Tennessee Constitution, Article XI, §12.

457. Further, the Tennessee Constitution imposes upon the General Assembly the obligation to maintain and support a system of free public schools that affords substantially equal education opportunities to all students. *Tenn. Small Schools*, 851 S.W.2d at 140-141.

CAUSES OF ACTION

COUNT 1 DECLARATORY JUDGMENT

Tenn. Code Ann. § 29-14-102

458. Plaintiffs hereby restate and reallege the facts and allegations contained the preceding paragraphs of the Complaint, as if fully restated verbatim herein.

459. The Tennessee Declaratory Judgments Act, codified at Tenn. Code Ann. § 29-14-102, empowers this Court to declare unlawful and in violation of the laws of the State of Tennessee, governmental actions which contravene the statutory rights of citizens.

Tenn. Code Ann. § 29-14-102. Powers and Duties

- (a) Courts of record within their respective jurisdictions have the power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.
- (b) No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for.
- (c) The declaration may be either affirmative or negative in form and effect; and such declaration shall have the force and effect of a final judgment or decree.

460. Plaintiffs seek a declaration by this Court that the actions of WCS, in the adoption and implementation of the Wit & Wisdom curriculum is in violation of T.C.A. § 49-6-1019, which provides, in relevant part, as follows:

Tenn. Code Ann. § 49-6-1019. § 49-6-1019. Restrictions on course instruction that includes or promotes certain concepts related to race or sex

- (a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:
 - (1) One (1) race or sex is inherently superior to another race or sex;
 - (2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

- (3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;
 - (4) An individual's moral character is determined by the individual's race or sex;
 - (5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
 - (6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;
 - (7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
 - (8) This state or the United States is fundamentally or irredeemably racist or sexist;
 - (9) Promoting or advocating the violent overthrow of the United States government;
 - (10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
 - (11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;
 - (12) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
 - (13) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
 - (14) Governments should deny to any person within the government's jurisdiction the equal protection of the law.
- (b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;

(2) The impartial discussion of controversial aspects of history;

(3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region;
or

(4) Historical documents relevant to subdivisions (b)(1)-(3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.

464. The *Wit & Wisdom* Curriculum violates T.C.A. § 49-6-1019.

465. As evidenced above, it is replete with racial discrimination, age-inappropriate material that causes children guilt, anguish and other forms of psychological harm, it discusses the United States as an irredeemably racist country, and is overall hyper-focused on racial indoctrination.

466. This Court is vested with the power to declare the rights of the parties and to provide such other and further relief as may be necessary to enforce the same.

**COUNT II
VIOLATION OF FOURTEENTH AMENDMENT
OF THE UNITED STATES CONSTITUTION**

467. Plaintiffs hereby restate and reallege the facts and allegations contained in the preceding numbered paragraphs as if fully restated verbatim herein.

468. The Defendants WCS, Jason Golden, Dave Allen' adoption, implementation, enforcement and inculcation of the critical race theory and age-inappropriate materials in the Wit

& Wisdom curriculum impermissibly interferes with the constitutional rights of Patricia Lucente, James Lucente and the parent members of Parents' Choice who have children enrolled in the Williamson County elementary schools, to direct and control the upbringing and education of their children.

469. By interfering unreasonably with the liberty interests of the member parents of Parents' Choice to direct the upbringing and education of their children, these Defendants' actions violate the constitutional rights of these members under the Fourteenth Amendment of the United States constitution.

COUNT III TEMPORARY AND PERMANENT INJUNCTION

470. Plaintiffs hereby restate and reallege the facts and allegations contained in the preceding numbered paragraphs as if fully restated verbatim herein.

471. Plaintiffs Patricia and James Lucente, as well as Parents' Choice, on behalf of its member families and their children, allege that they will suffer immediate and irreparable harm should WCS continue to be violate their statutory rights under Tenn. Code Ann. § 49-6-1019, as well as their fundamental and constitutional rights as parents in the education and rearing of their children. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

472. Plaintiffs, including the members of Parents' Choice, have no adequate remedy at law because the parents' only option to "opt out" of certain texts or books serves to deprive them is to be deprived of their equal right to access to educational rights as guaranteed by the Tennessee Constitution, and further infringes upon their rights of fundamental, constitutional right of parental autonomy under the Fourteenth Amendment of the United States Constitution.

473. Absent the issuance of a temporary and permanent injunction, there is sufficient probability that WCS will continue to violate Plaintiffs' rights.

COUNT IV
VIOLATION OF T.C.A. § 49-6-2202(b)(5) TEXTBOOKS AND
INSTRUCTIONAL MATERIALS; APPROVED LIST

474. The preceding paragraphs are incorporated by reference as if set forth fully verbatim herein.

475. Tenn. Code Ann. § 49-6-2202(b)(5) provides as follows:

Tenn. Code Ann. § 49-6-2202(b)(5) Restrictions on course instruction that includes or promotes certain concepts related to common core:

(b)(5) The commission shall not publish a list of, or recommend that the state board of education approve for use in the public schools of this state, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials. The state board shall not approve for use in the public schools of this state textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

476. The *Wit & Wisdom* Curriculum violates T.C.A. § 49-6-2202(b)(5), as it is created to align exclusively with the Common Core State Standards, is expressly marketed as such, and identifies as Common Core materials.

477. Great Minds, states directly in its *Wit & Wisdom* Implantation Guide: Grades K-8, that it utilizes the "Scope and Sequence of Common Core State Standards". *Wit & Wisdom* Implantation Guide: Grades K-8, Great Minds, p. 77.

478. Plaintiffs seek a declaratory judgment declaring that the Defendant Penny Schwinn's publication of the *Wit & Wisdom* curriculum on the State's "Approved List" was in violation of Tenn. Code Ann. § 49-6-2202(b)(5).

COUNT V

**VIOLATION OF T.C.A. § 49-6-2206(b)(2)(A) & (B) EXCLUSIVE USE OF UNAPPROVED
TEXTBOOKS AND INSTRUCTIONAL MATERIALS PROHIBITED; WITHHOLD
OF STATE FUNDS FOR VIOLATIONS; PROMULGATION OF RULES**

479. The preceding paragraphs are incorporated by reference as if set forth fully verbatim herein.

480. Tenn. Code Ann. § 49-6-2206 provides, in relevant part, as follows:

Tenn. Code Ann. § 49-6-2202 (b)(2)(A) and (B). Restrictions on teachers or principals that includes teaching Common Core Standards:

(2)(A) A teacher or principal in any of the public schools of this state shall not use or permit to be used in the person's school, whether as a supplement to the LEA's or school's adopted textbooks and instructional materials or otherwise, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

(B) The commissioner of education shall withhold a portion of the state education finance funds that an LEA is otherwise eligible to receive if a teacher or principal employed by the LEA intentionally violates subdivision (b)(1) by purposefully using, or permitting to be used, in the person's school, textbooks or instructional materials created to align exclusively with the Common Core State Standards or that are marketed or otherwise identified as Common Core textbooks or materials.

481. WCS, through its continued utilization of *Wit & Wisdom*, has effectively forced Williamson County teachers and principals to violate state law and teach common core standards to children enrolled in the Williamson County school system.

482. This Court is vested with the power to declare the rights of the parties and to provide such other and further relief as may be necessary to enforce the same.

WHEREFORE, based upon the foregoing, Plaintiffs seek the following relief:

1. That process issue to the Defendants JASON GOLDEN, DAVE ALLEN, PENNY SCHWINN and the WILLIAMSON COUNTY BOARD OF EDUCATION, and that the Defendants be required to answer this Complaint in accordance with Tennessee law and the Rules of Civil Procedure.
2. That this Court enter a judgment declaring that the Defendants WILLIAMSON COUNTY BOARD OF EDUCATION, JASON GOLDEN, and DAVE ALLEN, in their adoption, implementation and continuing enforcement of the Wit & Wisdom curriculum exceeds the scope of authority granted to local school boards, and to their Superintendent and personnel by the General Assembly.
3. That this Court enter a judgment declaring that the Defendants WILLIAMSON COUNTY BOARD OF EDUCATION, JASON GOLDEN, and DAVE ALLEN, in their adoption, implementation and continuing enforcement of the Wit & Wisdom curriculum is a violation of Tenn. Code Ann. § 49-6-1019;
4. That this Court enter a judgment declaring that the actions of the Defendant PENNY SCHWINN, in her official capacity as Commissioner of Education, in the adoption and approval of the Great Minds Wit & Wisdom curriculum constitute a violation of Tenn. Code Ann. § 49-6-2202;
5. That this Court enter a judgment declaring that the Defendants WILLIAMSON COUNTY BOARD OF EDUCATION, JASON GOLDEN, and DAVE ALLEN, in their adoption, implementation and continuing enforcement of the Wit & Wisdom curriculum is a violation of Tenn. Code Ann. § 49-6-2206;
6. That this Court enter a temporary injunction enjoining and restraining the Defendants WILLIAMSON COUNTY BOARD OF EDUCATION, JASON GOLDEN, and DAVE

ALLEN, and all those acting in concert with these Defendants, from any further implementation and continuing enforcement of the Wit & Wisdom curriculum in the Williamson County Schools;

7. That at the final hearing in this case, the Court enter a permanent injunction enjoining and restraining the Defendants WILLIAMSON COUNTY BOARD OF EDUCATION, JASON GOLDEN, and DAVE ALLEN, and all those acting in concert with these Defendants, from any further implementation and continuing enforcement of the Wit & Wisdom curriculum in the Williamson County Schools;
8. For such other, general relief as may be appropriate, including costs and reasonable attorney's fees.

Respectfully submitted this 8th day of July, 2022.

CRAIN LAW GROUP, PLLC

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VERIFICATION

STATE OF TENNESSEE)
COUNTY OF WILLIAMSON)



Patricia J. Lucente

Personally appeared before, the above-signed PATRICIA J. LUCENTE, and did make oath that the information contained in the foregoing Verified Complaint was true and correct to the best of her information, knowledge and belief.

Sworn to and subscribed before me on this the 6th day of July, 2022.



Notary Public

My commission expires: 5/31/2023

