

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

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

Plaintiffs,)

-vs-)

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

Case No. 22cv-51642

AFFIDAVIT OF JENNIFER McWILLIAMS

Comes now the Affiant, Jennifer McWilliams, and being first duly sworn, does hereby depose and say as follows:

1. I am an adult citizen and resident of Madison County, Indiana, and do make this affidavit based on my own personal knowledge.
2. I work as a parental rights consultant with an area of expertise in Social Emotional Learning (SEL). I have personal experience working in the education system within a school district which implemented Social Emotional Learning and I have extensively researched Social Emotional Learning since August 2018.

3. Critical Race Theory (“CRT”) is the belief that policies and practices contribute to discrepancies through systemic racial inequalities.
4. CRT supporters advocate for ways to create systemic change and disrupt those policies and practices.
5. 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.
6. In K-12 schools, Social Emotional Learning (“SEL”) programs, such as Wit & Wisdom, are implanted as a solution to change the policies and practices that create inequitable outcomes created by systemic racism/oppression.
7. Social Emotional Learning, Wit & Wisdom, uses a culturally responsive framework that focuses on emotion regulation tied to groups they say are marginalized by the system.
8. 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.
9. In Gloria Ladson-Billings’ book *The Dream Keepers*, she explains the process and purpose of Culturally Responsive (Relevant) Teaching.
10. I attest 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 the critical race theory ideology.

11. Culturally Responsive Teaching, also known as Culturally Relevant Pedagogy, was coined in 1994 by self-proclaimed critical race theorist, Gloria Ladson-Billings.
12. Critical Race Theory has five tenets: counter-storytelling; the permanence of racism; Whiteness as property; interest conversion; and the critique of liberalism.
13. 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.
14. *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.”
15. *Toward a Critical Race Theory of Education* lists three propositions as the basis for social and school inequity: Race continues to be a significant factor in determining inequity in the United States (Permanence of Racism), U.S. society is based on property rights (Whiteness of Property), the intersection of race and

property creates an analytic tool through which we can understand social and school inequity (Interest Convergence).

16. *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).”
17. *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.”
18. *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.
19. 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.”

20. *Toward a Critical Race Theory of Education* states “as critical race theory scholars we unabashedly reject a paradigm that attempts to be everything to everyone and consequently becomes nothing for anyone, allowing the status quo to prevail. Instead, we align our scholarship and activism with the philosophy of Marcus Garvey, who believed that the black man was universally oppressed on racial grounds, and that any program of emancipation would have to be built around the question of race first.”¹
21. Gloria Ladson-Billings argues race as an analytic tool for understanding school inequity in *Toward a Critical Race Theory of Education*. In 1995, she wrote [Toward a Theory of Culturally Relevant Pedagogy](#) in which she used the critical race theory analysis of education inequity and promoted Culturally Relevant Pedagogy as an antidote to systemic racism/oppression/inequities in education.
22. In *Toward a Theory of Culturally Relevant Pedagogy*, Ladson-Billings states culturally relevant pedagogy would necessarily propose to do three things: produce students who can achieve academically, produce students who demonstrate cultural competence and develop students who can both understand and critique the existing social order.
23. Culturally Responsive Teachers use (critical race theory tenet) 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

¹ Marcus Garvey was a charismatic Black Jamaican leader who organized the first recognized American Black nationalist movement (1919–26).

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”.

24. In [Just What Is Critical Race Theory And What's It Doing In A Nice Field Like Education?](#), Ladson-Billings explains how a critical race theorist uses counter-storytelling to shift the perception people have on society “Stories provide the necessary context for understanding, feeling, and interpreting. The ahistorical and acontextual nature of much law and other “science” renders the voices of dispossessed and marginalized group member’s mute. In response, much of the scholarship of CRT focuses on the role of “voice” in bringing additional power to the legal discourses of racial justice. Indeed, Richard Delgado (1990) argues that people of color speak with experiential knowledge about the fact that our society is deeply structured by racism. That structure gives their stories a common framework warranting the term “voice.” Consequently, critical race theorists are attempting to interject minority cultural viewpoints, derived from a common history of oppression, into their efforts to reconstruct a society crumbling under the burden of racial hegemony”. (Richard Delgado is an author and legal scholar. He is considered one of the founders of Critical Race Theory.)
25. Culturally Responsive Teaching is designed to influence children to be agents of change by training them to use activism to create new (critical race theory based)

social norms. In *Toward a Theory of Culturally Relevant Pedagogy*, Ladson-Billings explains teachers' conception of knowledge was demonstrated in the critical stance teachers took and their ability to engage in forms of critical analysis. An example she provides is of two teachers whose critique of the social studies textbooks that were under consideration, leading the teachers to enlist their students "as allies against the school district's policies."

26. In *Toward a Theory of Culturally Relevant Pedagogy*, Ladson-Billings lists three criteria which Culturally Responsive Teaching should meet: an ability to develop students academically, a willingness to nurture and support cultural competence, and the development of a sociopolitical or critical consciousness.
27. *The Dream-Keepers*, by Gloria Ladson-Billings (1994), is a book which uses critical race theory analysis to explain educational inequities and justify the implementation of culturally responsive teaching. Additionally, the book provides explanations of what culturally responsive education practice entails.
28. *The Dream-Keepers*, (page 14-15), Ladson-Billings states, "But it is the way we teach that profoundly affects the way the students perceive the content of that curriculum. My notions in this domain are strongly aligned with Giroux and Simon's thoughts on critical pedagogy: "*Pedagogy refers to a deliberate attempt to influence how and what knowledge and identities are produced within and among particular sets of social relations. It can be understood as a practice through which people are incited to acquire a particular moral character. As both a political and practical activity, it attempts to influence the occurrence and qualities of experiences. When one practices pedagogy, one acts with the intent of*

creating experiences that will organize and disorganize a variety of understandings of our natural and social world in particular ways... Pedagogy is a concept which draws attention to processes through which knowledge is produced.”

29. *The Dream-Keepers*, (page 19-20) explains “The notion of “cultural relevance” moves beyond language to include other aspects of student and school culture. Thus, culturally relevant teaching uses student culture in order to maintain and to transcend the negative effects of the dominant culture” (critical race theory tenet- Permanence of Racism.) It maintains, “The primary aim of culturally relevant teaching is to assist in the development of a ‘relevant black personality’ that allows African American students to choose academic excellence yet still identify with African and African American culture. Specifically, culturally relevant teaching is a pedagogy that empowers students intellectually, socially, emotionally, and politically by using cultural referents to impart knowledge, skills, and attitudes.”
30. As [*Critical Race Theory Training in Education*](#), an online resource for parents and students concerned about how Critical Race Theory impacts education, explains, “An outgrowth of the European Marxist school of critical theory, critical race theory is an academic movement which seeks to link racism, race, and power. Unlike the Civil Rights movement, which sought to work within the structures of American democracy, critical race theorists challenge the very foundations of the liberal order, such as rationalism, constitutional law, and legal reasoning. Critical race theorists argue that American social life, political structures, and economic systems are founded upon race, which (in their view) is a social construct.

Systemic racism, in the eyes of critical race theorists, stems from the dominance of race in American life. Critical race theorists and anti-racist advocates argue that, because race is a predominant part of American life, racism itself has become internalized into the American conscience. It is because of this, they argue, that there have been significantly different legal and economic outcomes between different racial groups.” In *The Dream-Keepers* (page 101) Ladson-Billings states, “By drawing on the perspectives of critical theorists, culturally relevant teaching attempts to make knowledge problematic. Students are challenged to view education (and knowledge) as a vehicle for emancipation, to understand the significance of their cultures, and to recognize the power of language.”

31. In *The Dream-Keepers* (page 140) Ladson-Billings writes, “Culturally relevant teaching is about questioning (and preparing students to question) the structural inequality, the racism, and the injustice that exist in society. The teachers I studied work in opposition to the system that employs them.”
32. Gloria Ladson-Billings states in her article [But That's Just Good Teaching! The Case for Culturally Relevant Pedagogy](#)- “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.” “In the classrooms of culturally relevant teachers, students are expected to "engage the

world and others critically." Rather than merely bemoan the fact that their textbooks were out of date, several of the teachers in the study, in conjunction with their students, critiqued the knowledge represented in the textbooks, and the system of inequitable funding that allowed middle-class students to have newer texts."

33. [Critical Pedagogy](#) states that it provides "a theoretical framework to examine issues of power in the classroom, and to surface and challenge the biases and oppressive structures that can undermine learning and alienate students. Inclusive teaching offers strategies for translating that theoretical knowledge into action. Critical Pedagogy does not end with theory but rather focuses on praxis, or translating knowledge into action. Critical pedagogy sees education as a tool for empowerment, a place where learners develop the knowledge and skills they need to undo oppressive structures and achieve liberation (Freire, 2000; Tewell, 2015). Unlike the traditional "banking" model of education that positions learners as passive recipients of information, in a classroom guided by critical pedagogy, learners engage with problems that are personally meaningful and are active agents in their own education, and through that education gain agency to enact change in the world beyond the classroom (Elmborg, 2006; Freire, 2000; Tewell, 2015).
34. In *Culturally Responsive Teaching & the Brain* by Zaretta Hammond (page 18) states, "Every culturally responsive teacher develops a sociopolitical consciousness, an understanding that we live in a racialized society that gives unearned privilege to some while others experience unearned disadvantage

because of race, gender, class, or language. They are aware of the role that schools play in both perpetuating and challenging those inequities.”

35. In *Culturally Responsive Teaching & the Brain* (pages 24 & 34), Hammond explains *Deep Culture* is at the core of culturally responsive teaching because culture acts as our brain’s software. It states “Deep culture is like the root system of a tree. It is what grounds the individual and nourishes his mental health. It is the bedrock of self-concept, group identity, approaches to problem solving, and decision making.” Deep culture level is made up of collective unconscious (beliefs and norms), intense emotional impact on trust, decision-making, concepts of self, world view, definitions of kinship, cosmology, spirituality and concept of a higher power, notions of fairness, preferences for competition or cooperation, relationship to nature and animals.
36. Hammond explains in *Culturally Responsive Teaching & the Brain* (page 114-117), microaggressions (hostile, derogatory, denigrating, and hurtful messages to people of color) are a normal part of the education system. Culturally responsive teachers are tasked with helping students shift their mindsets to a “growth mindset”. Students are required to develop individual counternarratives designed to tell a story that runs counter to dominant messages a student gets on a day-to-day basis. This technique engages the idea of critical race theory tenet, counter story-telling, which aims to engage learners in the understanding of America as a white supremacy dominant culture.
37. As the praxis of critical race theory in education, culturally responsive teaching incorporates intersectionality to shift the perception of students toward a critical

race theory ideology. [Kimberlé W. Crenshaw](#) is a pioneering scholar and writer on civil rights, critical race theory, Black feminist legal theory, and race, racism and the law. Crenshaw coined the term intersectionality to describe the double bind of simultaneous racial and gender prejudice. The [Center for Intersectional Justice](#) describes the concept of intersectionality as “the ways in which systems of inequality based on gender, race, ethnicity, sexual orientation, gender identity, disability, class and other forms of discrimination “intersect” to create unique dynamics and effects.” It continues, “Intersectionality brings our understanding of systemic injustice and social inequality to the next level by attempting to untangle the lines that create the complex web of inequalities. It is also a practical tool that can be used to tackle intersectional discrimination through policies and laws.”

38. The *Center for Intersectional Justice* states “Intersectional justice is the fair and equal distribution of wealth, opportunities, rights and political power within society. It rests on the concepts of equality, and legal and social rights. Intersectional justice focuses on the mutual workings of structural privilege and disadvantage, i.e. that someone’s disadvantage is someone else’s privilege. For this reason, actions tend to be centered on people and groups of people who face the highest structural barriers in society – premised on the idea that if we reach the people at the greatest structural disadvantage, then we can reach everybody. Intersectional justice understands discrimination and inequality not as the outcome of individual intentions, but rather as systemic, institutional and structural. Therefore, intersectional justice can be achieved through the institutions that

directly and indirectly allocate opportunities and resources, including the school system.”

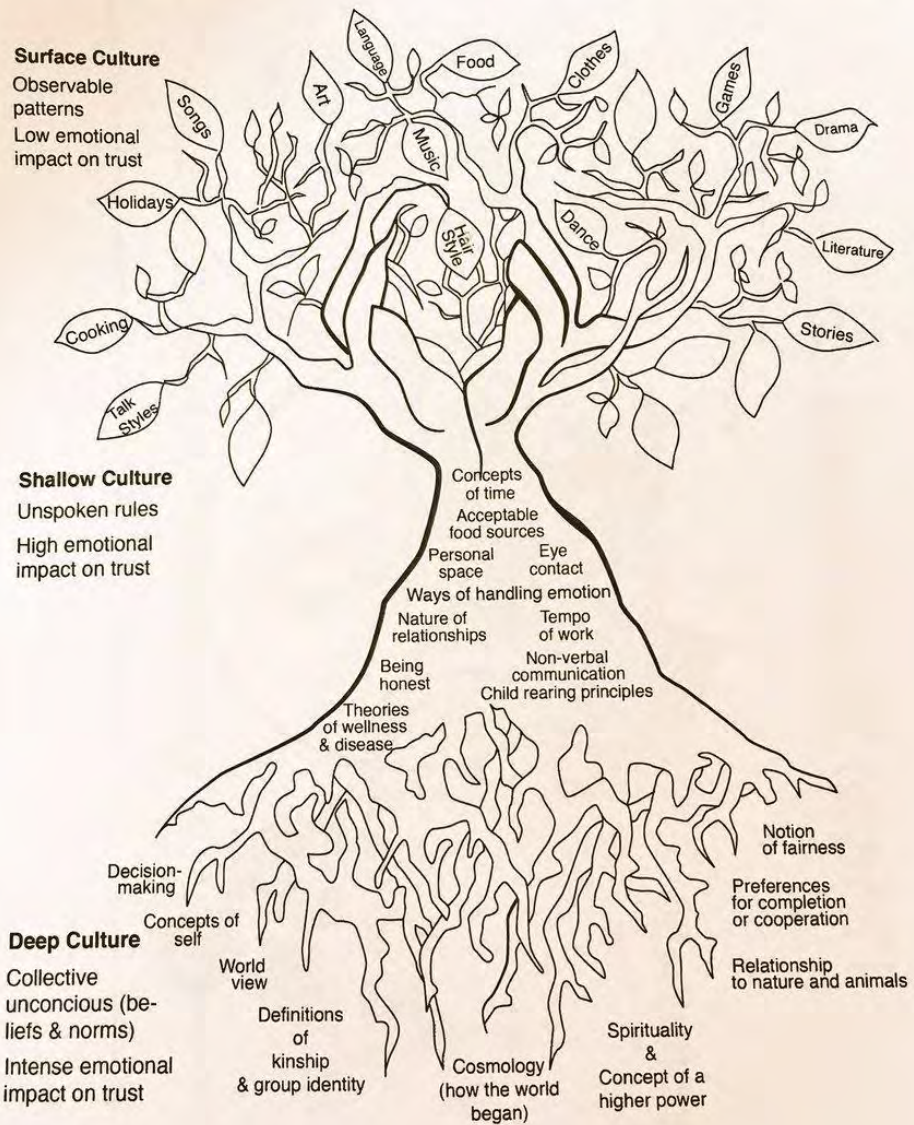
39. The Social Emotional Learning framework from [CASEL](#) advances the praxis of critical race theory and intersectionality through culturally responsive teaching method. CASEL states, “Students, families, schools, and communities are all part of broader systems that shape learning, development, and 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. While SEL alone will not solve longstanding and deep-seated inequities in the education system, it can create the conditions needed for individuals and schools to examine and interrupt inequitable policies and practices, create more inclusive learning environments, and reveal and nurture the interests and assets of all individuals.”
40. The Social Emotional Learning framework used by Wit & Wisdom 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 political and aimed at deconstructing the foundations of law and citizenship.

41. CASELs, [Advancing Social and Emotional Learning \(SEL\) as a Lever for Equity and Excellence](#) 2020 report states, “systemic SEL implementation can help schools and districts create conditions that support students and adults in developing self-awareness and self-management to discuss personal and group strengths and biases, social awareness and relationship-building skills to foster cross-cultural relationships, and responsible decision-making skills to reflect on and address the impacts of racism and other forms of inequitable treatment.”
42. CASELs *Advancing Social and Emotional Learning (SEL) as a Lever for Equity and Excellence* report states, “Educators’ cultural competence is a core component of social and emotional competence. By cultural competence, we mean the ability to critically examine the social and cultural identities of oneself and others, understand and appreciate diversity from a historically grounded and strengths-focused lens, recognize and respond to cultural demands and opportunities, and build relationships across cultural backgrounds. For example, high levels of social awareness involve being able to take the perspectives of those of different backgrounds and cultures and to empathize and feel compassion. Research across multiple fields has demonstrated that reflecting on potential biases, along with emotion regulation, perspective taking, and collaborative partnerships, can help to reduce racial bias that contributes to inequitable outcomes.”
43. CASELs *Advancing Social and Emotional Learning (SEL) as a Lever for Equity and Excellence* report states, “the work of informing and co-constructing a culturally responsive approach to SEL requires that districts recognize families as authentic partners with critical perspectives on educational goals and experiences.

As children’s first teachers, families bring deep expertise about their lived experiences, their culture, and the issues they care about. District SEL and equity leaders have cautioned that excluding these important family voices can lead to poor implementation driven by “color-blind” or “whitewashed” strategies that do not fully reflect the perspectives, cultures, or values of all students and families, particularly those from marginalized groups.”

44. 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).
45. 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.
46. See diagram:

Levels of Culture



47. I affirm these matters to be true of my personal knowledge and, if called to do so, could and would competently testify thereto.

Further affiant saith naught.

Jennifer McWilliams
JENNIFER McWILLIAMS

STATE OF INDIANA)
COUNTY OF MADISON)

Personally appeared before me, Holly M Harper, a Notary Public in and for said County and State, the above-signed Jennifer McWilliams and did make oath that the information contained in the foregoing document was true and correct to the best of their information, knowledge and belief.

Sworn to and subscribed before me this 4th day of May, 2022.

Holly M Harper
Notary Public

My commission expires: 05/30/2026



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 7th day of July, 2022, a true and exact copy of the foregoing Affidavit of Jennifer McWilliams was served upon the person(s) listed below:

Jason Golden
Official capacity as Superintendent of Williamson County Schools
1320 W. Main Street
Franklin, TN 37064

Dave Allen
Official capacity as Assistant Superintendent of teaching, Learning and Assessment
1320 W. Main Street
Franklin, TN 37064

Penny Schwinn
Official capacity as Commissioner of Education
710 James Robertson Parkway
Nashville, TN 37243

Williamson County Board of Education
c/o Jason Golden
1320 W. Main Street
Franklin, TN 37064

By the method(s) identified as follows:

- U.S. Mail, Postage Prepaid
- Hand-Delivery
- Overnight Delivery Service
- Certified Mail, Return Receipt Requested
- Email

/s/ Larry L. Crain
Larry L. Crain