

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Z.J.W., by next friends and parents, TERESA
CATOE and JOHN WHEELER;

and

A.A.P., by next friend and parent, SUSAN
PARK

Plaintiffs,

v.

KING GEORGE COUNTY SCHOOL
BOARD; DR. JESSE BOYD, in his official
capacity as Superintendent of King George
County Schools; and DR. CASEY NICE, in
his official capacity as Principal of King
George Middle School,

Defendants.

Case No. 3:26-cv-00775-REP

DECLARATION OF DAVID RILEY

I, David Riley, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury:

1. I make this declaration of my own personal knowledge, and, if called as a witness, I could and would testify competently to the matters stated herein.
2. I am a teacher at King George Middle School (“KGMS”), where I have worked for the past two school years. I have been a schoolteacher for almost nineteen years, including five years at Fredericksburg City Public Schools and eleven years at Alternative Paths Training School.
3. At the beginning of the 2025-2026 school year, one of the students in my homeroom, Z.J.W., asked me about starting a Gay-Straight Alliance (“GSA”) at the school. I was in favor of the club but did not have the capacity to serve as an academic sponsor, so I recommended Z.J.W. reach out to another teacher, Becca Boe.

4. A few weeks later, I heard there was community blowback on Facebook to the GSA's flyer and interest form. Because I am not in the Facebook groups, I did not see the posts until months later when one of my colleagues sent me screenshots of a post accusing me of wanting to have a "sex club with kids at the middle school." In the comments of this post, community members debated the GSA, and one person said I "look[ed] like a pervert."
5. Attached as Exhibit A is a true and accurate copy of the Facebook Post by ExcitingYuzu2082 with Comments.
6. I attended my first King George County School Board ("School Board") meeting on September 22, 2025, where I spoke in favor of the club. I explained to the School Board that GSAs are vital because they save lives by providing a safe space where students can be themselves. I also reminded the Board that forming a GSA is protected by the students' First Amendment rights. At the end of the public comments, Dr. Boyd addressed the audience briefly about school policy, noting that we were there because "within about twenty-four hours we had 500 or so comments on Facebook" about the GSA.
7. I also attended the October 6, 2025, meeting and heard Dr. Boyd say that the GSA club had "raised some red flags" for him and the Board. Dr. Boyd proposed a revised club policy, IGDA, which included a ten-student minimum to form a club. At this meeting, the Board Chair, Colleen Davis, asked the King George High School principal, Dr. Burns, what would happen if a club was proposed under the new policy that complied with the requirements to articulate their bylaws and the purpose of the club but "might not be appropriate for that age group." I took this to be a reflection of her views on the appropriateness of a GSA at KGMS, and Dr. Burns agreed he thought a club should not be approved if "it was not appropriate for that age group." Board Member Carrie Cleveland then agreed with Ms. Davis, stating that

“age appropriateness is important;” she seemed to be suggesting that the GSA was not age appropriate.

8. At the October 20, 2026, meeting, I expressed concern about the Board’s and administration’s repeated references to “appropriateness” and “red flags,” all of which indicated to me their opposition to the views expressed by the GSA.
9. After this meeting, on November 5, 2025, I sent an email to Board Member David Bush explaining that the proposed change requiring a minimum number of students to form a club was likely illegal. Mr. Bush replied: “Interesting point.”
10. Attached as Exhibit B is a true and accurate copy of my Nov. 5, 2025, email to Board Member David Bush.
11. It was only after I sent this email that the Board members pivoted from supporting noncurricular clubs generally to prohibiting noncurricular clubs at the middle and elementary schools. The fact that they spent multiple weeks and sessions discussing a new policy that allowed noncurricular clubs at all KGCS schools—and only pivoted to prohibiting such clubs at middle and elementary schools once it became clear the GSA could not be excluded any other way—indicated to me that the policy change was specifically targeted to prevent the GSA from meeting.
12. Because of my involvement advocating for the GSA, KGMS Principal Dr. Casey Nice and I had multiple conversations regarding the club’s formation. In one of these conversations, Dr. Nice mentioned the idea of forming a PRISM instead of the GSA. He said he had seen PRISMs at other schools and, like a GSA, the clubs promote tolerance and acceptance of LGBTQ+ people but without including references to those identities in the club name. Dr. Nice said he thought a PRISM might be more palatable to the School Board.

13. Dr. Boyd and I also had one-on-one conversations about the GSA. He asked to meet with me in November 2025. During the meeting, he and his assistant asked what I wanted to happen with the club. I told them I believed the students had a right to form a club. Dr. Boyd said he believed we were getting “hung up” on the politics of things. I mentioned Dr. Nice’s idea of a PRISM club, which Dr. Boyd thought might be more palatable to members of the School Board but would likely still be rejected. Dr. Boyd explained that even a PRISM club was probably still too controversial, which I took to mean still too connected to LGBTQ+ topics. He told me the School Board would never approve clubs at the middle school level that dealt with sexuality or LGBTQ+ issues. Instead, he proposed a club focused on tolerating everyone, where any student could go to safely spend time with peers. Dr. Boyd said he thought a club that removed sexual orientations from the name and mission entirely had a much better chance of being approved by the School Board. Statements like these are part of why it is clear to me that the School Board disfavors the views of the GSA specifically.
14. Dr. Boyd asked me to pass his idea of a club focused on general tolerance along to Z.J.W., who had continued to advocate for the club, and see if Z.J.W. would be willing to start this different club instead.
15. I conveyed this message to Z.J.W. and also mentioned it to A.A.P.’s mother, Susan Park. Z.J.W. told me they had no interest in forming a different club because they felt the school had violated their rights by not allowing a GSA specifically. I was proud of Z.J.W. for standing up for their views and not backing down, though I was disappointed this meant the students would continue not to have a club.
16. I continued to attend School Board meetings throughout the rest of the school year, occasionally speaking in favor of students’ rights to have noncurricular clubs generally.

17. I believe that noncurricular clubs of any kind are beneficial for students at KGMS. They provide students with opportunities to explore interests outside the classroom, help them build community and social connections, support their emotional well-being and sense of belonging, and allow them to develop leadership skills. A ban on forming and joining noncurricular clubs has a negative impact on students.
18. Additionally, despite the policy change prohibiting them, other noncurricular clubs still exist and continue to meet at KGMS.
19. For example, in March 2026, I received a staff-wide email mentioning an Outdoor Club. I approached the teacher who runs the club to ask him more about it. He told me the club had been around for years. He explained that the club goes on hunting and fishing trips; sometimes hosts park rangers at school who have brought in hawks, snakes, and other animals; and meets during lunch time. The teacher told me that this year the Outdoor Club met during lunch to make fishing lures. I went online and saw the Outdoor Club has an active website discussing their events over the years.
20. Attached as Exhibit C is a true and accurate copy of the Mar. 20, 2026, Faculty-wide Email Re Outdoor Club Donations. Attached as Exhibit D is a true and accurate copy of the KGMS Outdoor Club website.
21. Based on the statements Dr. Boyd and the School Board members have made—both to me and to the public—I believe the GSA is being unfairly singled out and treated differently than other clubs at the middle school. Students are worse off without the GSA and are currently being harmed by a broader denial of noncurricular clubs at KGMS.

Executed this 4th day of August 2026

Respectfully submitted,



David Riley