

DEX 4

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

E.K. and S.K., minors, by and through their )  
parent and next friend, LINDSEY KEELEY, *et* )  
*al.*, )

Plaintiffs,

V.

DEPARTMENT OF DEFENSE EDUCATION )  
ACTIVITY, *et al.*, )

**Defendants.**

Case No. 1:25-cv-637 (PTG/IDD)

### DECLARATION OF DR. JAYME LINTON

Pursuant to 28 U.S.C. § 1746, I hereby declare, under penalty of perjury as follows:

1. I am the Chief Academic Officer (CAO) for the Department of Defense Education Activity (DoDEA). As the CAO it is my responsibility to support the DoDEA Director, Dr. Beth Schiavino-Narvaez, in setting the strategic vision and supporting the instructional framework and educational approach for DoDEA's academic program. I make this declaration based on my personal knowledge and information provided to me in my role at DoDEA.

2. I have a Ph.D. in Teacher Education and Development from the University of North Carolina at Greensboro and a master's degree in Curriculum and Instruction from Appalachian State University. I earned my bachelor's degree in Elementary Education from Western Carolina University. I had almost 25 years of experience in education prior to assuming the role of CAO for DoDEA, which included serving as Chief of Strategic & Organizational Excellence for DoDEA; as DoDEA's Education Projects Specialist; as DoDEA's Professional Practice and Improvement Specialist; various roles such as, Program Coordinator, Master of Science in Online Teaching and

Instructional Design at Lenoir-Rhyne University; multiple roles, such as Instructional Technology Facilitator, for Newton-Conover City Schools; and as an elementary teacher in North Carolina.

3. DoDEA plans, directs, coordinates, and manages Prekindergarten (Pre-K) through 12th grade education programs for eligible school-aged children of Department of Defense personnel. DoDEA schools are located in Europe, the Pacific, Western Asia, the Middle East, Cuba, and the United States, including the territories of Guam and Puerto Rico.

4. I understand that the Plaintiffs in the above-captioned lawsuit attend one of the following DoDEA schools: Crossroads Elementary School in Quantico, Virginia; Barsanti Elementary School in Fort Campbell, Kentucky; Aviano Middle High in Aviano, Italy; Sollars Elementary School in Misawa, Japan; and Edgren Middle High in Misawa, Japan.

#### **A. Libraries**

5. Each of DoDEA's schools has a library, called an "Information Center," that supports DoDEA's mission to provide exemplary educational programs that inspire and prepare all students for success in a global environment. The role of the DoDEA school library program is to support the DoDEA mission to Educate, Engage and Empower military-connected students to succeed in a dynamic world.

6. DoDEA's policy, as established in our Administrative Instruction (AI) 2992.01, "Information Center and Classroom Supplemental Materials Selection Policy and Challenge Procedures," is that "[s]tudents shall be provided a broad range of educational materials that enrich and support the curriculum and meet their educational needs." This policy also explains DoDEA's selection development policy that schools follow when purchasing materials.

7. DoDEA procures and provisions library books (print and digital) for the libraries in 161 schools worldwide in accordance with all federal procurement regulations. There are

approximately 457,000 books across all DoDEA libraries. Collections are developed locally and, as a result, DoDEA school library collections vary by school in terms of the presence of specific books and size of collections.

8. While the library in each school is individual to the school, all of our libraries endeavor to provide a well-balanced collection that supports the school's curriculum, reflects the interests of the local school community, and supports special needs and programs. The resources in the collections will vary among schools to meet student and teacher needs, but all of our libraries provide literary classics, curriculum related materials, and award winning books. The primary role of the libraries is to support, enhance, and enrich the curriculum. DoDEA seeks to align the learning objectives and the collection by selecting resources that are appropriate to the maturity level of the users, are of a variety sufficient to encourage student exploration, are of appropriate reading and comprehension levels and are of a sufficient quantity to support units taught in the curriculum.

9. Students, guardians and DoDEA staff are permitted to access the libraries. If a student, guardian or teacher has a concern about library materials, or supplemental classroom materials, DoDEA has an established process for working through those concerns as described in DoDEA's Administrative Instruction (AI) 2992.01, Enclosure 5, "Procedures for Challenging Materials." Informal challenges may be initiated by bringing them to the attention of a teacher or school information specialist (librarian). Formal challenges are initiated by filing a *Request for Reconsideration of Information Center or Classroom Supplemental Materials* with the school principal.

## **B. Curriculum**

10. DoDEA is responsible for procuring and provisioning classroom resources for 489 different courses of study in elementary, middle and high schools in accordance with all federal procurement regulations. These classroom resources include, but are not limited to, a wide variety of individual components such as: student textbooks, teacher edition textbooks, digital resources, student consumable workbooks, simulations, lab materials, standards, units of study, and vendor-provided lesson planning documents. Classroom resources are centrally procured for all DoDEA schools.

11. For our curriculum, DoDEA has adopted College and Career Ready Standards in mathematics, literacy, the arts, social studies, and science, which are rigorous, research-based, and reflect the knowledge, skills and dispositions students need for success in college and/or careers and are aligned with the Common Core State Standards, National Core Art Standards, Next Generation Science Standards, College, Career, and Civic Life Framework for Social Studies State Standards, and Society for Health and Physical Education Standards.

12. The process of reviewing instructional resources for inclusion in DoDEA's curriculum is done through the course of the standard federal procurement process. DoDEA defines its course requirements and only procures resources that meet the established criteria. If any subsequent concerns are raised by teachers, parents or students regarding curricular materials, those are raised to district and regional Instructional Systems Specialists (ISSs) who submit the concerns to headquarters ISSs for review.

## **C. The President's Executive Orders and Secretary Hegseth's Directives**

13. The President's Executive Orders, *Ending Radical Indoctrination in K-12 Schooling* (EO 14190), signed on January 29, 2025, and *Defending Women from Gender Ideology*

*Extremism and Restoring Biological Truth to the Federal Government* (EO 14168), signed January 20, 2025, require the Department of Defense, which includes DoDEA, to ensure that federal resources are not used to support gender ideology and discriminatory equity ideology, as defined in the EOs.

#### **D. Book and Curriculum Reviews**

14. Upon issuance of EOs 14190 and 14168 and in accordance with direction from DoD leadership, including the ASD M&RA, DoDEA promptly identified and initiated a comprehensive Administrative Operational Compliance Review of all classroom resources and library books. A process was established to facilitate the examination of all resources and determine what should be retained, modified, or rescinded to ensure alignment with EO 14190, EO 14168, and the Department's educational objectives. DoDEA used key terminology and definitions from the Executive Orders to identify materials needing further review. DoDEA instructional system specialists reviewed procured classroom resources and library books, and educators and school leaders throughout DoDEA were provided a process to refer resources and books for review.

15. With regard to the review of library books, those potentially related to gender ideology or discriminatory equity ideology topics as defined in the Executive Orders were relocated to the professional collection for evaluation with access limited to professional staff. For DoDEA adopted instructional resources (curriculum and instruction) that were potentially related to gender ideology or discriminatory equity ideology topics as defined in the Executive Orders, we directed staff not to use them for instruction while the review is ongoing.

16. As an initial matter, subject headings and key words were used to identify resources for potential review. However, this process was carefully performed to ensure that uses of key

words implied a potential for noncompliance with the EOs before a resource was selected for review as not all uses of key words are potentially out of compliance. As noted above, resources selected for review were relocated, in the case of library books, or their use paused, in the case of curricular resources.

17. Following the selection of resources for review, subject matter experts at DoDEA headquarters in each content area gathered the resources proposed for review and provided an initial recommendation for each resource. Additional review is provided by Division Chiefs and the Office of Civil Rights.

18. The review of the selected resources is an ongoing process that is focused on the deliberate, careful and thoughtful identification of resources that may conflict with the EOs and the Department's educational policy objectives.

19. The current stage of the process is to be followed by an even more focused review that assesses the educational and pedagogical value of each resource prior to making a recommendation for final disposition of these materials.

20. The recommendation resulting from this stage of the process will be sent to the DoDEA Director, who will in turn provide her assessment of the recommended final disposition of these materials, including analysis from subject matter experts, to Mr. Timothy D. Dill, Performing the Duties of the ASD (M&RA), for his final review and decision with respect to the final disposition of these materials. The submission to both the DoDEA Director and the ASD(M&RA) will include analysis from our subject matter experts of various factors related to the resources suitability for our school system.

21. Nothing in these orders/directive/policies prohibits students from reading these materials or discussing them while on school grounds. The EOs and Departmental objectives are directed to DoDEA employees' classroom instruction, displays, and expenditure of resources.

**E. Specific Assertions from Plaintiffs**

**i. Crossroads Elementary School, Quantico, Virginia**

22. I am aware that Plaintiff E.K. has stated that *A Nation of Immigrants* was removed from the fourth grade curriculum. Keeley Decl. (Dkt. 10-23) ¶ 27. The fourth grade did not read the supplemental lesson "A Nation of Immigrants" this school year. It was identified as including text that was noncompliant with EO 14190.

**ii. Barsanti Elementary School, Fort Campbell, Kentucky**

23. I understand that Plaintiffs O.H. (pre-Kindergarten), S.H. (Kindergarten) and H.H. (fourth grade) have broadly asserted that "immigration-related content" was removed from the curriculum. Henninger Decl. (Dkt. 10-24) ¶ 18. No curricular changes were made to pre-Kindergarten or Kindergarten curriculum at Barsanti Elementary pursuant to the EOs. However, this year, Kindergarten did not teach TCI Biographies K-5 Elementary Social Studies, specifically, *Albert Cashier, Civil War Veteran*, as this material is currently under review.

**iii. Sollars Elementary School, Misawa Air Base, Japan**

24. I understand that Plaintiff L.K.1 has indicated that she "has already had curricular materials relating to immigration removed from her class." Kenkel Decl. (Dkt. 10-26) ¶ 12. The only specific curricular material L.K.1 identified was G4 Lesson 3: The Peopling of the United States and associated reading, *A Nation of Immigrants* by John F. Kennedy. *Id.* The fourth grade Lesson 3, "The People of the U.S.," was taught the week of October 28, 2024 – November 2, 2024, prior to the Executive Order publications and pause of the resource. The fourth grade did not read



the supplemental lesson “A Nation of Immigrants” this school year. It was identified as needing further review and its use was paused.

25. I understand that L.K.1 and L.K.2 have stated that “dozens of books purportedly related to ‘gender ideology’ have been removed from their school library.” Kenkel Decl. ¶ 10. The two titles they specifically reference *No Truth Without Ruth: The Life of Ruth Bader Ginsburg* and *Finding Wonders: Three Girls Who Changed Science*. *Id.* I am informed by our library staff that these titles are and have been available to students at Sollars Elementary.

26. I understand that Plaintiff L.K.2 has stated she is “being denied access to critical information about physical wellbeing and health.” Kenkel Decl. ¶ 13. Chapter 18 of the textbook *Comprehensive Health Skills for Middle School* was not included in the instruction for this school year. Content in chapter 18 addresses biological sex, gender, gender identity, gender roles, and physical and emotional changes during puberty (arousal, masturbation, intercourse), sexual orientation and transgenderism. That change did not alter the health standards and skills that students are expected to learn for the course, which is to help students make informed and responsible decisions regarding their collective health and well-being. The curriculum currently being taught remains aligned with DoDEA-approved standards.

27. I am also aware that L.K.2 has stated that a packet on Black History Month was removed from her classroom curriculum. Kenkel Decl. ¶ 15. The resource “My Friend in Learning Professional Learning – New For You Seasonal Bundle: Black History Month 2025” was not taught at Sollars Elementary this year.

**iv. Edgren Middle High School, Misawa Air Base, Japan**

28. I understand that Plaintiff L.K.3 has indicated that she has not been able to check out the *The Giver*, *Nineteen Eighty-Four*, *Ground Zero*, and *A Handmaid’s Tale* from her library

in Edgren Middle High as of February 2025. I am informed by our library staff that MackinVision, our integrated library system, indicates that these four books have been unavailable because other library patrons have checked them out. These books are overdue and should be returned. It is therefore not the case that these books are not accessible to L.K.3 because of DoDEA's ongoing resource reviews, but rather because another student is accessing them.

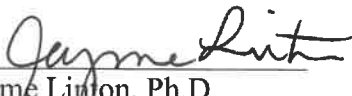
**v. Aviano Middle High School, Aviano, Italy**

29. I am aware that Plaintiffs C.Y. and M.T. attend Aviano Middle High School in Aviano, Italy. Young Decl. (Dkt. 10-25) ¶ 13; Tolley Decl. (Dkt. 10-27) ¶ 5. Both C.Y. and M.T. were enrolled in Advanced Placement® (AP) Psychology for the 2024-2025 school year. Young Decl. ¶ 13; Tolley Decl. ¶ 9. The content of gender and sexuality was taught prior to the pause of that content for AP Psychology. It was not taught again as part of the end-of-year wrap-up review provided to students in preparation for AP examinations.

30. Finally, at Aviano Middle High School, the curriculum in US History and AP US History included the Civil Rights Movement. Historical figures including Rosa Parks, Ruby Bridges, and Rev. Martin Luther King, Jr. were included in those lessons and classroom discussions.

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

Executed on May 23, 2025

  
Jayme Linon, Ph.D.  
Chief Academic Officer, DoDEA