

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

INTEGRATENYC, INC.; A.C.; H.D. ex rel. W.D.; M.G. ex rel. M.G.; L.S. ex rel. S.G.; C.H. ex rel. C.H.; Y.C. ex rel. Y.J.; A.M.; V.M. ex rel. J.M.; M.A. ex rel. F.P.; S.S. ex rel. M.S.; S.D. ex rel. S.S.; K.T. ex rel. F.T.; and S.W. ex rel. B.W.,
 Plaintiffs,

vs.

THE STATE OF NEW YORK; ANDREW M. CUOMO, as Governor of the State of New York; NEW YORK STATE BOARD OF REGENTS; NEW YORK STATE EDUCATION DEPARTMENT; BETTY A. ROSA, as New York State Commissioner of Education; BILL DE BLASIO, as Chief Executive Officer of New York City; NEW YORK CITY DEPARTMENT OF EDUCATION; and MEISHA PORTER, as Chancellor of the New York City Department of Education,
 Defendants,

and

PARENTS DEFENDING EDUCATION,
 Proposed Intervenor-Defendant.

Index No. 152743/2021
 Assigned to Hon. Frank P. Nervo
Motion Seq. No. 2

AFFIDAVIT OF NICOLE NEILY IN SUPPORT OF PARENTS DEFENDING EDUCATION’S MOTION TO INTERVENE AS A DEFENDANT

1. I am the President of Parents Defending Education (“PDE”).
2. PDE is a nationwide, grassroots organization. It is a voluntary membership association whose members include the parents of school-aged children.

3. PDE is led by a diverse group of women with extensive experience and expertise in the education sphere:

- **Myself, *President and Founder***. I am also the president of Speech First, a national campus free speech organization, and I have worked at the Independent Women's Forum and the Cato Institute.
- **Asra Nomani, *Vice President for Strategy and Investigations***. Asra is also cofounder of Coalition for TJ, a group of parents and community members in Virginia, a former reporter for the Wall Street Journal, codirector of the Pearl Project, and cofounder of the Muslim Reform Movement.
- **Erika Sanzi, *Director of Outreach***. Erika is a former educator and school committee member. She is also the mother of three school-aged sons.
- **Marissa Fallon, *Director of Advocacy***. Marissa is a founding member of Coalition for TJ, a group of parents and community members in Northern Virginia and has had leadership roles in her Parent Teacher Association. She has over two decades experience as a business owner and researcher. She is the mother of two sons and has experience in both public and private schools.
- **Elizabeth Schultz, *Senior Fellow***. Elizabeth served as the U.S. Department of Education's Deputy Director of the Office of Educational Technology and was twice elected to serve on the Fairfax County School Board, the nation's 10th largest school system. Elizabeth is an education and public-policy expert and former senior contracts and negotiation manager with 25+ years of experience in the areas of asset management, information technology, and global and K-12 education. She is the mother of four sons, who range from college graduate to middle school.

Leadership: Our Team, PDE, defendinged.org/about.

4. PDE is a new organization because it is responding to a new problem. As its website explains, "[I]n recent years activists have targeted public, private, and charter schools across the country with a campaign to impose toxic new curriculums and to

force our kids into divisive identity groups based on race, ethnicity, religion, and gender. Many schools have already embraced this campaign, and many more are preparing to embrace it.” *About Us: Who We Are*, Parents Defending Education, defending.org/about. PDE’s mission is thus to oppose efforts to make K-12 places where students are taught what to think, rather than how to think. Its mission includes opposing policies that treat students as members of racial groups rather than individuals, curriculum steeped in critical race theory, and other policies that inject politics and ideology into the classroom against parents’ wishes.

5. PDE advances its mission through network and coalition building, investigative reporting, litigation, and engagement on local, state, and national policies. Though it was launched only this year, PDE has already made over fifty-two freedom-of-information requests of school districts across the country. It has filed comments on a proposed rulemaking by the U.S. Department of Education on funding for programs that promote critical race theory. It has filed five complaints with the Education Department’s Office of Civil Rights concerning racial discrimination. Its leaders have written numerous op-eds and made numerous appearances on national media. It has filed an amicus brief in the U.S. Supreme Court in support of students’ free-speech rights. *See* Amicus Br. of Parents Defending Education, *Mahanoy Area Sch. Dist. v. B.L.*, No. 20-255 (Apr. 1, 2021), bit.ly/3uMeWEj. And it receives hundreds of tips per week from concerned parents across the country.

6. PDE was formed well before it moved to intervene in this case on March 22, 2021. It was incorporated in Virginia on January 21, 2021. *Parents Defending Education*, State Corporation Commission Clerk's Information System, bit.ly/3pmtCJo. It applied for tax-exempt status under section 501(c)(3) of the Internal Revenue Code in February 2021. And before it filed its motion, PDE had already enrolled members, including Parents A, B, C, D, E, and F, and had already accepted donations. Its leadership was already in place. It had already hired counsel. It had already created social-media accounts, including on Twitter (December 2020) and Facebook (January 2021). And it had already hired a bookkeeping firm (January 2021), a fiscal sponsor (January 2021), a web-design firm (February 2021), a public-relations firm (February 2021), and a polling firm (March 16, 2021).

7. PDE's "public launch" on March 30, 2021, was just that—a "public" introduction of an organization that had already been formed. It was not the first day of PDE's existence.

8. Illustrating the point, Asra Nomani had already written an op-ed about this lawsuit on March 24, 2021. Asra wrote the op-ed as "vice president of strategy and investigations at Parents Defending Education." *The War on Merit*, RealClearEducation (Mar. 24, 2021), bit.ly/3ySONH8.

9. PDE's mission is clear, and its members join with full knowledge of it. The issues in this case strike at the heart of PDE's mission.

10. PDE has a number of members who are parents of children who are currently enrolled in the New York City public school system. These members include Parents A, B, C, D, E, and F, who I personally know and have spoken with and who explained to me their interests in this litigation. PDE's members are familiar with this litigation and the claims and defenses at issue, and they all support PDE's intervention as a defendant in this case.

11. As detailed in the memorandum in support of PDE's motion to intervene, Parents A, B, C, D, E, and F have children who are currently enrolled in, or will apply for, the City's selective programs and schools. These Parents will all be directly harmed if Plaintiffs obtain the changes they seek in this case.

12. Parent A has a child in the fourth grade at a New York City public school. Her child is currently enrolled in a G&T program, and her child plans to apply to the City's specialized middle and high schools. Parent A would be injured by the relief sought in Plaintiffs' complaint. Because of her child's ADHD, Parent A's child needs the specialized teaching and tailored education that she currently receives in G&T.

13. Parent B has a daughter in the seventh grade at one of the City's selective intermediate schools. His daughter is currently enrolled in a screened program, and she plans to take the Specialized High School Admissions Test ("SHSAT") and apply to the City's specialized high schools as well as other selective programs that have historically been populated using objective criteria such as state test scores and grades. Parent B believes these schools' and programs' competitive admissions process, rigorous

curriculum, and high-quality teachers substantially improve his daughter's education. He thus opposes Plaintiffs' requested relief.

14. Parent C has a son in eighth grade at a public school in the City. Her son recently took the SHSAT and is applying to the City's specialized high schools. Parent C believes her son will receive a better education at these competitive, academically rigorous schools. Parent C agrees with Plaintiffs that the City's public schools are currently failing many students, but she disagrees with their proposed solution. She believes that the City should be working to improve its bad schools, not working to destroy its good ones (and thus depriving students like her son of world-class educational opportunities).

15. Parent D has a daughter in the first grade and a three-year-old son. Both of his children plan to take the test and apply for G&T programs in City schools. Parent D opposes Plaintiffs' requested relief, which would eliminate or fundamentally alter his children's educational opportunities.

16. Parent E has a son in a specialized high school in the City. She also has a daughter at a selective middle school in the City, who plans to apply for a specialized high school. Parent E sent her children to these schools precisely because they are competitive, selective, and challenging. Her children's education will suffer if Plaintiffs get their requested relief.

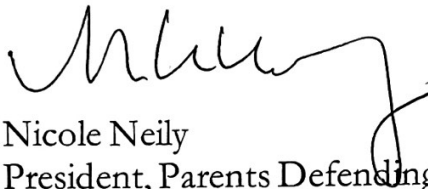
17. Parent F has a seventh grader at a specialized high school in the City. Parent F believes his child's education is greatly improved by the selectivity of his school, and he opposes any efforts to change the school's admissions, curriculum, or staff.

18. Parents A-F are proceeding under pseudonyms because they fear retaliation against themselves and their children by employers, schools, teachers, parents, students, and others. In PDE's experience, opposition to efforts like Plaintiffs' lawsuit and the ideologies that underlie them invites accusations of "racism" and calls for firings, discipline, and even violence.

19. PDE has intervened in this suit to preserve priceless educational opportunities for the children of its members, and to prevent the harmful ideologies proposed by the Plaintiffs from being taught in New York City classrooms.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed on June 4, 2021.

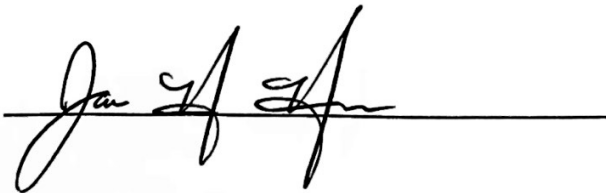

Nicole Neily
President, Parents Defending Education, Inc.

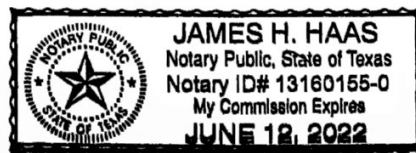
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF Texas)
)
COUNTY OF Bastrop)

Subscribed and sworn to me on this 4 day of June, 2021, by Nicole Neily
_____, proved to me on the basis of satisfactory evidence to be the person
who appeared before me.

(Notary Seal)





CERTIFICATE OF CONFORMITY

The undersigned does hereby certify that he is an attorney at law duly admitted to practice in the State of Texas; that this affidavit was made in accordance with the requirements of the Clerk of the County of Bastrop pertaining to the acknowledgment of the Affidavit of Nicole Neily, to be filed in New York Court, New York County; that the foregoing acknowledgment of Nicole Neily named in the foregoing instrument taken before James H Haas, a Notary in the State of Texas, being the state in which it was taken, and based upon my review thereof, appears to conform with the law of the State of Texas as to the purpose for which it is submitted and filed.



State of Texas
County of Bastrop

This Instrument was acknowledged
before me on June 4 2021

By Scott Keller
NOTARY James H. Haas

