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Superior Court of Washington, County of Pierce

In re:

Petitioner:

Miranda Henderson (FKA Smith)

And Respondent:

Kevin Smith

No. 15-3-04472-8

Declaration of Kevin Smith in Support of
Petition to Change Parenting Plan

Respondent Kevin Smith, being over the age of eighteen (18) years and competent to testify, states and declares under the penalty of perjury of the laws of the State of Washington that the following is true and correct to the best of my knowledge.

I am seeking a major modification to the Parenting Plan that Miranda and I entered into in March of 2017. We have deviated in significant ways from the residential schedule for a substantial amount of time and a new residential schedule, reflecting the ways that we deviated over time, is necessary to protect my children’s best interests. I am seeking a major modification because the children’s current living situation is harmful to their mental and emotional health. They are suffering academically and socially in their current living situation.

Our current Parenting Plan states that Miranda and I are supposed to be operating on a 2-1-2-1 weekend schedule, from Friday at 6:30 p.m. until Sunday at 6:30 p.m. From the beginning of March 2020 through the end of August 2021, Miranda and I shared time with our children

1 equally. From March of 2020 through June of 2021, we would exchange the children each
2 Monday. In June of 2021, Miranda changed the schedule so that exchanges would occur each
3 Friday. Since August 2021, we have followed the visitation schedule as dictated by the parenting
4 plan and I believe our children have suffered because of it.

5 Our current Parenting Plan states that major decisions relating to school/education are to
6 be made jointly. In 2018, Miranda enrolled our children in St. Mary School, a private Catholic
7 elementary in Aberdeen, Washington. I was not in favor of this at the time and wanted our children
8 to attend their local school district, as it offered a wider range of programs and did not carry such
9 an intense religious viewpoint. However, in 2017, Miranda and I had just finished a lengthy
10 litigation (that began in 2014) and I was looking for some semblance of normalcy in our parenting
11 relationship. I chose not to make a major issue of it at the time.

12 From March of 2020 through June of 2020, our children finished their school year with St.
13 Mary School, via remote learning (we were exchanging the kids on a weekly basis, as described
14 above). For the 2020-2021 school year, Miranda and I agreed to enroll the kids into the Orting
15 School District, where they attended class via remote learning. During the year of remote learning,
16 Miranda regularly failed to ensure that the children completed their weekly slides. My children
17 began to argue about doing their practice work at my home, because Miranda would never make
18 them do their homework in her care. They did not understand why they would have to do
19 something at my house, that their mother did not require.

20 When Tommy enrolled in the Orting School District, he was in 2nd grade, however, he was
21 testing at a kindergartner reading level (**Ex. 1**). He struggled with sounding out letters and simple
22 math (1+1, 2+1, etc.) After one year of being in remote learning through Orting and through
23 working with my me, my wife and my mother, Tommy improved his reading level to that of a 2nd
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1 grader. We got him on track. At my home, Tommy is able to play/study/learn with his stepbrother,
2 Micah, who is only 18 days younger than Tommy. Tommy would push himself to keep up with
3 his brother. My wife and I found a learning platform that worked very well for Tommy. It was a
4 great year, Tommy and Micah would compete academically, while having fun at the same time.

5 After seeing considerable strides made in the kids' education over the remote learning year,
6 we attempted to discuss with Miranda continued home schooling for the 2021-2022 (while
7 continuing to operate on the week on/week off visitation schedule that had been established the
8 previous year). Miranda was not open to those discussions.

9
10 In June of 2021, against my wishes and without any consideration for our joint decision-
11 making provision, Miranda reenrolled our children back in St. Mary School in Aberdeen, for the
12 2021-2022 school year. I had expressed my disappointment at where Tommy's education level
13 was after he last left St. Mary School, but again, this was not something that Miranda was willing
14 to discuss.

15
16 The issues with schooling did not stop there. On February 2, 2022, Miranda withdrew our
17 children from St. Mary School without notice or discussion (**Ex. 2**). On February 8, 2022, Miranda
18 unilaterally formally withdrew the children from school. This was all done unbeknownst to me, I
19 found out through a received Notice of Withdrawal from the school directly (**Ex. 2**). Miranda has
20 a child with another man, Robert Gray, who also attended St. Mary School and who she unilaterally
21 removed without any notice to Robert (**Ex. 3**). As I was preparing to file a Motion for Contempt,
22 Miranda then reenrolled the children back into St. Mary School on February 14th, after Robert
23 notified the court in their parental matter (**Ex. 3**). The kids missed two weeks of school for no
24 legitimate reason. Miranda is acting on whims and without regard for our children.
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1 Her purported reasons for taking our children out of school were nonsensical. Miranda
2 claimed that the school's COVID procedures forced her to withdraw the children from school.
3 The principal from St. Mary School, Carrie Marlow, wrote me explaining that Miranda had been
4 "spouting many falsehoods and accusations toward SMS [St. Mary School] and me throughout the
5 last few weeks...all she does is twist my words and continue the argument based on her
6 falsehoods" (Ex. 4). Miranda claimed that there was a surge in COVID cases at the school due to
7 students getting the vaccine. That was not true and completely unsubstantiated (Ex. 5). Miranda
8 falsely argued that the school's COVID protocols/procedures forced her to withdraw the children
9 (Ex. 5).
10

11 While I am in favor of the vaccine, I do respect a person's right to choose whether they
12 receive the vaccine. However, Miranda has taken vaccine skepticism to a whole other level. She
13 recently threatened me with contempt over getting our children *tested* for COVID. Getting a
14 COVID test is not a medical decision that should be subject to joint decision making or threats of
15 contempt. Testing is a necessary precaution when my children are going to in-person classes, are
16 living with unvaccinated people, and frequently move between homes. Miranda claims that the
17 vaccine resulted in a surge of COVID cases at the kid's school (Ex. 5). She falsely claims that she
18 knows two people who died from the vaccine (Ex. 5). Miranda has terrified our children by
19 manipulating them into believing that if they get the vaccine they will die. She has told the children
20 that they cannot be tested for COVID unless she is in the room with them.
21
22

23 Just recently, I took Tommy to the dentist, and he refused to let the dentist near him. He
24 thought that he would die if the dentist gave him the shot to numb his mouth before getting a
25 filling. Miranda is filling our kids' heads with nonsense that is making them fearful of normal and
26 routine interactions.
27
28

1 As described above, Miranda did eventually reenroll our children at St. Mary School,
2 however, Miranda did fail to file the “Intent to Return” paperwork that was due to the school by
3 March 4th (Ex. 6). This paperwork is required to ensure that the children would have a spot secured
4 in their classroom for the next school year (Ex. 6). This affects Tommy and Genevieve’s stability.
5 I want them in a stable environment that fosters the education and growth. I do not want them
6 moving from school to school, being torn from school, reenrolled, removed because they do not
7 have a spot reserved, etc., etc., it should not continue like this.

9 Miranda cannot provide a stable environment for the children. She introduced three
10 separate serious boyfriends to the kids in 2021. This confuses them. This is not stable for them.
11 She is currently in a high conflict custody battle with the father of her youngest child. Drama,
12 instability, and conflict follow her endlessly. My children bear witness to the constant
13 unpredictability, and they suffer emotionally and mentally because of it.

15 A modification is also needed to ensure that visitations occur as scheduled and do not
16 continue to be dictated solely by Miranda. We deviated significantly from the Parenting Plan for
17 large swaths of time over the years.

19 Miranda has made exchanges extremely difficult. Miranda will choose to drop off the
20 children at any number of random businesses or people’s homes from Yelm to Lakewood to
21 Tacoma, Fircrest, etc. Yet, I am only “allowed” to meet her within a 0.5-mile radius of a
22 McDonald’s on the west side of Olympia. I recently asked Miranda to meet me at a Dairy Queen
23 in Olympia. In response, she called the police and forced our exchange to occur at a police station,
24 less than a mile away. This builds trauma slowly but surely for our children.

26 Miranda has refused to drop the children off to my wife. Not long ago, Miranda refused to
27 drop the children off at a Red Robin where my wife was eating with family. Miranda demanded
28

1 that Shannon leave the restaurant and meet her in a dark, unlit portion of the same mall parking lot
2 where the Red Robin was. Shannon was extremely uncomfortable meeting at the location
3 demanded by Miranda, resulting in Miranda taking the children back to Hoquiam. The next month,
4 Miranda physically and verbally attacked my wife at an exchange in front of all five of our
5 children. Again, adding to and building trauma upon trauma for my children. **See Declaration of**
6 **Shannon Smith.**
7

8 There have been consistent issues that have arisen regarding the interpretation of the
9 visitation and holiday schedules. Our Parenting Plan dictates that I receive two consecutive
10 weekends, from Friday at 6:30 p.m. to Sunday at 6:30 p.m. However, the exchange times fluctuate
11 based on however Miranda feels on any given day. For example, on Wednesday February 23,
12 2022, I asked Miranda if I could pick the kids up from school on that Friday because we had tickets
13 to the Toby Mac concert. Miranda refused, stating that she had plans “around the Parenting Plan.”
14 Normally, this would not have been an issue, however, at that time, Miranda was on her
15 honeymoon and the kids were being watched by a babysitter. Rather, than let me pick the kids up
16 from school, she arbitrarily rejected my request and made us wait until 6:30 to pick up the kids.
17 This is not coparenting.
18

19
20 This year, St. Mary School was on Mid-Winter Break from Friday February 18th through
21 Tuesday February 22nd. This also encompassed Presidents’ Day Weekend. Presidents’ Day is
22 supposed to be spent with the parent who has the children for the attached weekend. This year,
23 that was my weekend. In even years, I am also supposed to have the first part of Mid-Winter Break
24 beginning from the end of school “Friday”. This year, St. Mary School’s last day before Mid-
25 Winter Break/Presidents’ Day Weekend, was Thursday (**Ex. 7**). There was no school Friday. A
26 reasonable interpretation of the Parenting Plan would allow me to pick the children up on Thursday
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1 at the end of school. Miranda refused to allow me to pick the children up on Thursday and claimed
2 that Tuesday was the only day designated as "Mid-Winter Break" (Ex. 7).

3 This year is my year for Spring Break. I am taking the kids to Disneyland in California.
4 Miranda has preemptively refused to exchange the kids with me on the Friday after school,
5 claiming that Spring Break does not begin until the following Monday. Any reasonable
6 interpretation of a holiday schedule would lend to the understanding that Spring Break begins at
7 school's release the last day prior to break. These are examples of why this Plan is untenable and
8 a modification is necessary.

10 I declare under penalty of perjury under the laws of the state of Washington that the facts
11 I have provided on this form (and any attachments) are true and correct.

13 Signed at (city and state): Seattle W Date: 4/5/2022

15 
16 Sign here

Kevin Smith
Print name

Exhibit 1

From: Susan Benes <beness@orting.wednet.edu> **Date:** May 21, 2021 at 6:33:53 AM PDT
To: Shannon <ssclark20@yahoo.com>, Kevin Smith <aloha7smiths@yahoo.com>
Subject: Re: Tommy's test scores

Hi all,

So here are Tommy's aims scores that you requested. I haven't been able to dissect the results yet. The PDFs at the bottom look at all components of the reading testing, some components have an audio piece to it. As the year goes on, the audio support goes away. I'm guessing the testing dropped due to him having to read it himself. Knowing Tommy's behavior when things become a challenge, I'm going to guess that he shut down and just guessed with his answers. I say this due to seeing that behavior play out during our meetings, when we have a challenge, avoidance of some type will occur. He will shut down, refuse to try, or he will mumble over words until he sees words he is confident in. Tommy is very capable of doing things and has shown that repeatedly through a lot of encouragement and support during our 1:1 meetings each week. He knows the information when it is read to him and has great skills but having to be independent with his reading can affect Tommy. I've also included a screenshot of just the oral reading fluency, which the District is looking at specifically. This is considered the most accurate testing piece this year as District/Teacher's had an active take in this testing for accuracy/accountability. In the winter, he had another teacher testing him. I don't know if that was the difference with that test or not. Hope that makes sense.

Some other points. When he came in and read to me in September, he was at a guided reading Fontas & Pinnell level of C. That is considered the end of Kindergarten. When we tested him in Winter, he was level F, which is early-mid 1st grade. When we last worked together, he was reading Level J-K.

This is end of 1st/beginning of 2nd grade. Tommy has come a very long way over the year, however, he is still a year behind in his reading.

A few things to think about: If Tommy were in-person and in my classroom, he would have what we call a 2 tier dip. He would have his normal reading lessons in a whole group at grade level. Then during center work time, Tommy would have been meeting with me daily in a small group (about 3:1 depending) which would focus on intensity of building up his reading. We would work at his instructional level. Tommy would then go to an intervention group daily that would build upon my center group, again at his instructional level. This would have been 5 days a week as well with a very direct instruction program to build his skills. The goal would be to get him back at grade level or above. That group would be between 3-5 students :1 teacher. Say he were to be at Orting next year, he would follow this program plan with his next teacher. Wherever Tommy goes next year, it is important that he gets this remediation to boost his reading. Online worked best for him at this time, however, it doesn't allow for all the interventions that Tommy truly needed not only to boost his skills but his confidence as well. We did our best and I hope for the best for him wherever he goes back into person.

We haven't really looked at math either. Here is Tommy's screenshot of his overall math:

Hope this gives insight for you.
All the best,
Sue

[Book a Time](#) | [Orting Express](#) | [Check](#)

From: Carrie Marlow <cmarlow@saintmaryschool.org>

Date: February 8, 2022 at 8:44:12 AM PST

To: Miranda Henderson <mirandahendersonemail@gmail.com>, Kevin Smith <aloha7smiths@yahoo.com>

Subject: Tommy and Genna Smith Withdrawal

Good morning Miranda and Kevin,

Per Miranda's request, please let this email serve as your official notice that Thomas Smith and Genevieve Smith have been withdrawn from St. Mary School effective 2/7/2022.

We have received a Transfer of Records request from the Hoquiam School District HOMELINK program and both students' school records were transferred on 2/7/22.

Please note that Tommy and Genna's personal classroom supplies are ready for pick up in the office.

The remaining 21-22 tuition balance will continue to be paid according to the agreed upon FACTS agreement until the full obligation is met.

Thank you for the opportunity to serve your students.

Together in Christ,
Carrie

--

Carrie Marlow
School Principal
St. Mary School

On Tuesday, February 8, 2022, 4:11 PM, Carrie Marlow <cmarlow@saintmaryschool.org> wrote:

Kevin,

Please find below a detailed timeline regarding the events of the last week in relation to Tommy and Genna's attendance and enrollment at St. Mary School.

Please also find attached their current 21-22 attendance records as is recorded in ALMA, our student information system.

Monday, Jan. 31st, midday: A COVID cluster was identified in our third grade classroom resulting in the classroom pivoting to remote learning for the rest of the week. A notification letter was sent home to both the third grade parents and all the parents in the school (both attached) regarding the pivot. Both Tommy and Genna were present.

Monday, Jan. 31st, late afternoon: Miranda called the School Office and spoke to Mrs. Weber, our Office Manager, regarding the third grade pivot to remote learning. Mrs. Weber answered each of Miranda's questions including clarifying that the pivot to remote learning did NOT involve the other two students, Genna and Robbie, and that both of them were allowed to continue to attend in person learning because they were not considered close contacts like their brother, Tommy, and the rest of the third grade class.

Tuesday, Feb. 1st: Genna was not present at school and Tommy did

not attend his class ZOOM session. Miss Aschim, Genna's teacher,

Exhibit 2

attempted to reach out to Miranda via email and REMIND messaging to make arrangements regarding the class time and work she was missing. No response.

Wednesday, Feb. 2nd, morning: Our School Office received a Transfer of Records Request via email from the Hoquiam School District's HOMELINK Program for Tommy and Genna. Genna was not present at school and Tommy did not attend his class ZOOM session.

Miss Aschim emailed me concerned that she had not had a response to the messages she had left for Miranda regarding Genna. I advised Miss Aschim to reach out one more time via email and REMIND, which she did. No response.

Wednesday, Feb. 2nd, 9:44am: I sent Miranda an email stating that we had received the Transfer request and inquiring as to the withdrawal intentions for Tommy, Genna, and their younger brother.

Thursday, Feb. 3rd: Genna was not present at school and Tommy did not attend his class ZOOM session. No response to my withdrawal email inquiry.

Friday, Feb. 4th: Genna was not present at school and Tommy did not attend his class ZOOM session. No response to my withdrawal email inquiry.

Monday, Feb. 7th, 7:42am: I received a response to my withdrawal inquiry email from Miranda requesting that both Tommy and Genna's records be sent to Hoquiam School District's HOMELINK Program. Miranda also requested in the same email that all the childrens' personal belongings be gathered up for pick up and that her tuition payments be stopped.

Monday, Feb. 7th, 8am: Third grade returned to in person learning. Tommy was not present at school. Genna was not present at school.

Monday, Feb. 7th, 9am: I responded to Miranada's email clarifying that Tommy and Genna's records would be transferred to Hoquiam. I also stated that the childrens' belongings would be gathered by the end of the day and that her tuition obligations still needed to be fulfilled. Miranda did not respond. The request to transfer records, the non-response to my email and the students' absence was taken as confirmation that both children had been withdrawn from school.

St. Mary School transferred all of Tommy and Genna's school records to the Hoquiam School District HOMELINK Program.

Tuesday, Feb. 8th, 8:44am: The official withdrawal email was sent to both Miranda and Kevin Smith per our withdrawal protocol and

the parenting plan on file. Both Tommy and Genna were absent from school and officially withdrawn per Miranda's request.

The above timeline is an outline of the events that have unfolded regarding Tommy and Genna's enrollment at St. Mary School.

Our prayer is and always has been that the children are safe and learning. We will continue to keep them in our prayers.

Together in Christ,
Carrie

--

Carrie Marlow
School Principal
St. Mary School



Carrie Marlow <cmarlow@saintmaryschool.org>

Transfer of Records request

3 messages

Carrie Marlow <cmarlow@saintmaryschool.org>
To: Miranda Henderson <mirandahendersonemail@gmail.com>

Wed, Feb 2, 2022 at 9:44 AM

Good morning Miranda,

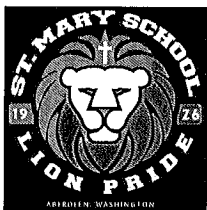
We have received a transfer of records request from Hoquiam's HOMELINK Program for Tommy and Genna.

Is it your intention to transfer Tommy and Genna to the HOMELINK Program now or after this year?

What about Robbie?

Please let us know your plans so we can respond accordingly.

Thank you,
Carrie



Miranda Henderson <mirandahendersonemail@gmail.com>
To: Carrie Marlow <cmarlow@saintmaryschool.org>

Mon, Feb 7, 2022 at 7:42 AM

Carrie,
Please send records for the following:
-Tommy and Genna to Homelink
-Robbies records to me

1-We will drop off a chrome book sent with Tommy and need to pick up any personal items from all of their class

cubbies.

2-Please discontinue tuition auto payments.

Thank you,
Miranda

On Feb 2, 2022, at 12:18 PM, Carrie Marlow <cmarlow@saintmaryschool.org> wrote:

Carrie Marlow <cmarlow@saintmaryschool.org>
To: Miranda Henderson <mirandahendersonemail@gmail.com>

Mon, Feb 7, 2022 at 9:00 AM

Good morning Miranda,

Thank you for your email. We are sorry to hear that Tommy, Genna, and Robbie are leaving St. Mary School.

We will forward Tommy and Genna's school records onto Hoquiam's HOMELINK program.

In terms of Robbie's records, we are not able to release a student's school records to a parent. You are welcome to view his records in the office, but we cannot release them to you. However, because Robbie was in PreK and did not finish out the school year, all that is in his file is a copy of his immunization records and birth certificate.

We will have gathered all of Tommy, Genna, and Robbie's things in the office by the end of day today. Please return the school iPad that Tommy was sent home with last week as well as the school library books that Tommy and Genna checked out from the school library.

As for the tuition still owing, according to your tuition contract (see attached highlighted portion) you are still obligated to complete paying the full contracted amount. Your FACTS account shows a remaining balance of \$1814.65 that is scheduled to be paid over four more payments (Feb.-May). Unless a student's transfer is due to an out of the area move or a financial hardship that cannot be reconciled between SMS and the parent, fulfilling the remaining contracted balance is the parent's responsibility.

Thank you and your family will be in our prayers,
Carrie

 **Henderson:Smith:Gray.pdf**
2355K

From: Carrie Marlow <cmarlow@saintmaryschool.org>
Date: February 8, 2022 at 2:06:44 PM PST
To: Miranda Henderson

<mirandahendersonemail@gmail.com>
Cc: Robert Gray <rmgschooling@gmail.com>
Subject: Re: Robbie Gray Withdrawal

Miranda,

I am confused by your email and your references to Robbie not being allowed to return to in person learning because of "schools Covid protocols unmet, due to exemptions disallowed".

St. Mary School has not made any such statement or determination regarding Robbie's school attendance.

Please find below the timeline of recent correspondence that pertains to recent events between you, the school, and myself. Please also find attached a copy of the email thread that I refer to regarding the transfer of records and school withdrawal, as well as pdf copies of the third grade and whole school COVID remote learning letters that I also refer to.

Monday, Jan. 31st, midday: A COVID cluster was identified in our third grade classroom resulting in the classroom pivoting to remote learning for the rest of the week. A notification letter was sent home to both the third grade parents and all the parents in the school (both attached) regarding the pivot.

Monday, Jan. 31st, late afternoon: You called the School Office and spoke to Mrs. Weber regarding the third grade pivot to remote learning. Mrs. Weber answered each of your questions including clarifying that the pivot to remote learning did NOT involve your other two students, Genna and Robbie, and that both of them were allowed to continue to attend in person learning because they were not considered close contacts like their brother, Tommy, and the rest of the third grade class.

Wednesday, Feb. 2nd, morning: Our School Office received a Transfer of Records Request from the Hoquiam School District's HOMELINK Program for Tommy and Genna.

Wednesday, Feb. 2nd, 9:44am: I sent you an email stating that we had received the Transfer request and inquiring as to your withdrawal intentions for Tommy, Genna, and Robbie (see attached).

Monday, Feb. 7th, 7:42am: I received a response to my email inquiry from you requesting that both Tommy and Genna's records be sent to Hoquiam and Robbie's to you (see attached). You also requested in the same email that all the childrens' personal belongings be gathered up for pick up and that your tuition payments be stopped.

Monday, Feb. 7th, 8am: Third grade returned to in person learning.

Monday, Feb. 7th, 9am: I responded to your email clarifying that Tommy and Genna's records would be transferred to Hoquiam, but that we were not able to give you Robbie's records. I also stated that the childrens' belongings would be gathered by the end of the day and that your tuition obligations still needed to be fulfilled. I sent you a copy of the tuition contract attached for clarification. You did not respond and all three students did not attend school. Your non-response and the students' absence was taken as confirmation that all three children had been withdrawn from school.

Tuesday, Feb. 8th, 8:44am: The official withdrawal email was sent to both you and Robert Gray per our withdrawal protocol and the parenting plan on file.

As far as we are concerned, Robbie has always been welcome at St. Mary School for in person learning. This is the first I have heard reference to the want of an at home learning option for Robbie and unfortunately, we do not offer that option.

If you and Robert would like Robbie to continue at St. Mary School he is more than welcome to return and we will reverse his withdrawal. Please provide written notification of your intentions regarding Robbie's enrollment at St. Mary School.

Together in Christ,
Carrie

On Feb 8, 2022, at 8:44 AM, Carrie

Exhibit 3

Marlow <cmarlow@saintmaryschool.org>
wrote:

Good morning Miranda and Robert,

Per Miranda's request, please let this email serve as your official notice that Robbie Gray has been withdrawn from our PreKindergarten program effective 2/7/2022.

Should Robbie be enrolled in a new PreKindergarten program, we would be happy to forward on his student records following the receipt of an official Transfer of Records Request.

Please note that Robbie's personal classroom supplies are ready for pick up in the office.

The remaining 21-22 tuition balance will continue to be paid according to the agreed upon FACTS agreement until the full obligation is met.

Thank you for the opportunity to serve your student.

Together in Christ,
Carrie

--

Carrie Marlow
School Principal
St. Mary School

From: Carrie Marlow <cmarlow@saintmaryschool.org>
Date: February 14, 2022 at 7:02:53 AM PST
To: Kevin Smith <aloha7smiths@yahoo.com>
Subject: Re: Sorry... just need clarification

Good morning Kevin,

Do not be sorry. Thank you for your email seeking clarification.

Unfortunately, Miranda has been spouting many falsehoods and accusations toward SMS and me throughout the last few weeks. I have chosen not to battle her or present the facts with her because all she does is twist my words and continue the argument based on her falsehoods.

However, I do not have a problem clarifying things for you as Tommy and Genna's father. It is imperative that you have the facts with regard to their schooling and their access to it.

First of all, the surge in COVID cases at school due to students getting the vaccine is not true. We did not experience a surge of student COVID cases due to the vaccine.

Second, Miranda did not have to withdraw the kids from school due to COVID procedures. One, it is NOT mandatory that a parent disclose their child's vaccination status or their own. We are asking for voluntary disclosure of student vaccination status because it helps when we are determining quarantine timelines

for close contacts. In addition, we are also asking for voluntary disclosure by parents who wish to volunteer in the school because Archdiocesan policy states that any parent who volunteers in our school must be vaccinated.

When Tommy's class pivoted to remote for four days due to a COVID cluster in his class, all the students in his class were considered close contacts because of the cluster. All of the students in his class were to participate in remote learning/class ZOOMS for the four days (Feb. 1-4, 2022). Tommy did not participate and was marked absent. Genna was allowed to be attending in person school the entire time Tommy's class was remote-the cluster did not affect her class. Genna was absent the entire four days and Miranda did not respond to Genna's teacher's emails and messages regarding Genna's absences and work.

The class returned to in person learning on February 7th. In order for the third graders to return, we asked that their parents get them tested with a PCR test in order to make sure none of the students returning to in person learning had COVID. All students tested as instructed and returned except Tommy. Instead we received a Transfer of Records Request from Hoquiam School District on Feb. 2nd and Miranda confirmed via email on Feb. 7th that Tommy and Genna were transferring. She said nothing about not wanting Tommy to be tested nor did she ask if there was an alternative to testing so he could return to school.

Had Miranda asked, she would have been told that Tommy could have bypassed the testing and fulfilled the 10 day quarantine for close contacts protocol and then returned today, Feb. 14th without having been tested. However, he would have also been responsible for the work he missed while he was quarantining and Mrs. Scroggs would have made those arrangements with him and Miranda.

We have never stated that Tommy and Genna could not be here because of COVID protocols and/or procedures.

I hope this helps. Please feel free to call me or email should you have any further questions.

Thank you,
Carrie

On Mon, Feb 14, 2022 at 5:30 AM Kevin Smith <aloha7smiths@yahoo.com> wrote:

From: Miranda Henderson <mirandahendersonemail@gmail.com>

Date: February 14, 2022 at 5:03:51 AM PST

To: Kevin Smith <aloha7smiths@yahoo.com>

Subject: Re: Tommy and Genevieve- Joint Medical Decisions/Covid Testing

Kevin,

Discontinue testing our children immediately. This is a joint medical decision and there is no medical reason for this if our kids have no symptoms. If our kids have symptoms, then you can tell me and we can make the decision to test them or not, together. If other people have to make you violate our parenting plan in order to feel comfortable to see you, then this is their issue, not ours and definitely not our children's. If Donna, Shannon or anyone else other than you test our children again, I will be seeking legal remedy outside of your own contempt. This is not negotiable and if you do not discontinue the testing of our children without my agreement, you will be in further violation of the parenting plan. Tell me what labs you have sent the tests to and who all has tested our children?

As far as anything the kids have said. Kids will talk and reason on their own. They haven't been unaffected by all of this and pick up on common sense pretty well. They see people get sick who got the Covid shot, including many of their classmates which resulted in a surge of Covid cases at the school just after they approved the Covid shot for 5+Years old, emergency use. We know people who have gotten injured, and the kids know of at least 2 people dying shortly after they got the shot. You don't have to look very far to find the cases, you just have to

look. Even children can put this together to form their own conclusions and in teaching our kids how to think for themselves, instead of just going along with the crowd, they are able to see many perspectives. Even at a young age. They do know that each person must make the best choice for themselves and their kids, if they are under 18. They also know they will not be making any medical decisions for themselves until they are 18. They know we are all individuals and what's good for one, may not be for another. Just look at the high schoolers and many other young people, who we can thank for standing up for the unmasking of our kids, happening soon. Finally putting a stop to all of the negative emotional, mental and physical affect on our kids contributing to so many more serious issues than Covid infection in kids.

We don't need to discuss the science or efficacy of the vaccine, as this information is out for anyone who seeks it. The wise choice to wait on this vaccine is an easy one. If you research any vaccine on the CDC schedule and now long it was studied and or in clinical trials, you too would understand the sense it makes to wait and allow a similar time period before rushing out to give our kids and experimental vaccine. Remember the reasons for the research I did on every vaccine and why our kids were each on a delayed vaccine schedule from birth. You still have yet to give any medical reasoning for your argument but I've given many for mine. The only reasoning you are giving is due to politics and the misconception that you're "safer" because they said so on the news. You have no research to back the safety, efficacy or research to determine what long term risks may be present in order to determine this vaccine to actually be as safe for our kids as any other vaccine on the CDC schedule.

We do not live in fear of Covid, by now most of the people around our kids have natural immunity, (including everyone in your family who has had the vaccine and got Covid anyway) and we all do not need to disclose the vaccination status of any member of our family, as that is protected medical information that I would not ask of anyone. Our kids have rights and medical freedom in which, we as parents have a duty to protect. I pushed this issue with the school who would not let us return but because of our rights/ medical freedom, our kids get to return to school in person today, without Covid testing Tommy. Our kids are learning a lot about what it means to stand up for what's right, even if it's not popular. Nobody has a right to put anything into their body without their consent. Nobody has the right to make a medical decision or consent to putting anything in their body for medical purposes, without both parents in joint agreement.

*Again I will say, if you feel safer to be vaccinated, feeling the vaccine works, then there is no need for our kids to be vaccinated as you are protected regardless of who's around you. If you don't feel the vaccine works, then there's no reason to vaccinate our kids with a vaccine that doesn't work. There is no argument there.

Your testing of them is unnecessary and desire to vaccinate them is not researched but instead seemingly due to political reasoning and peer pressure to do what everyone else is doing instead of doing the research yourself. Our kids have a 99.98% survival rate and are more likely to die from a freak car accident but I don't see you not transporting them in a car. Yes it's a nasty bug but natural

Exhibit 5

immunity is by far better protection for them, which you can easily do your own research on.

I will consider this subject a non issue now but will need for you to respond to let me know that you will now be following the parenting plan with regard to medical joint decision making. Consult who you need to, to advise you of the parenting plan in order to discontinue making these decisions unilaterally.

Miranda

On Feb 13, 2022, at 10:09 PM, Kevin Smith
<aloha7smiths@yahoo.com> wrote:

Miranda,

Being tested for Covid is a preventative measure to ensure everyone is safe. We are in a pandemic and testing our children for Covid is a way of life right now. We have home kits and since they aren't vaccinated then you basically made the choice for them. You can push this issue all you want but again it's a situation you have created. I'm going to ask that you reconsider getting them vaccinated like everyone in our household has. It's a safety issue.

My concern is if you told our children "if they get a shot they will die". Tommy wouldn't let the dentist near him with a needle and this is what he told me This is a serious problem and by the way you have been deflecting my question about this issue I have no choice but to believe you told Tommy this.

Kevin Smith
(253) 350-8665

From: Carrie Marlow <cmarlow@saintmaryschool.org>
Date: March 7, 2022 at 8:34:25 AM PST
To: Kevin Smith <aloha7smiths@yahoo.com>
Subject: Re: Intent to return

Exhibit 6

Good morning Kevin,

No, as of this morning, Monday, march 7, 2022, we have not received an Intent to Return form or registration fee deposit for Tommy and Genna.

Thank you,
Carrie

On Sat, Mar 5, 2022 at 7:26 PM Kevin Smith <aloha7smiths@yahoo.com> wrote:

Ms.Marlow

Hello, I was wondering if An intent to return to st.marys for Tommy and Genna has been filled with the school.

Kevin Smith
(253) 350-8665

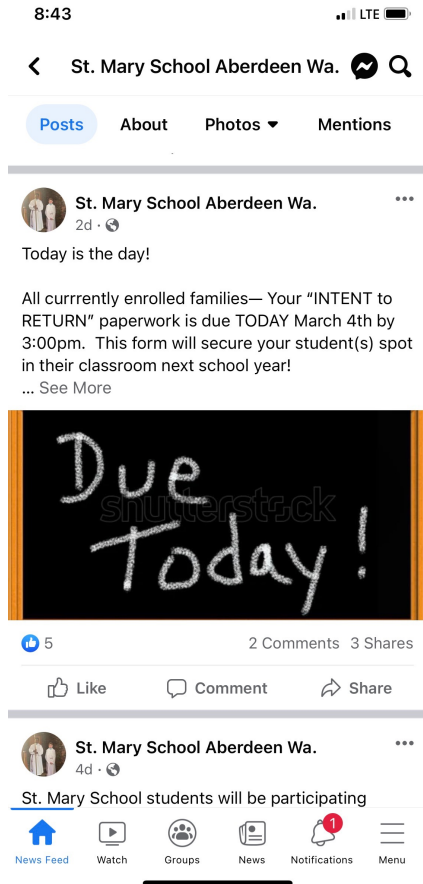
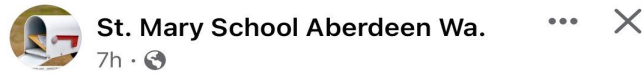


Exhibit 7

From: Kevin Smith
To: Miranda Henderson
Subject: Re: Mid winter break
Date: Wednesday, February 16, 2022 5:09:51 PM

Miranda,

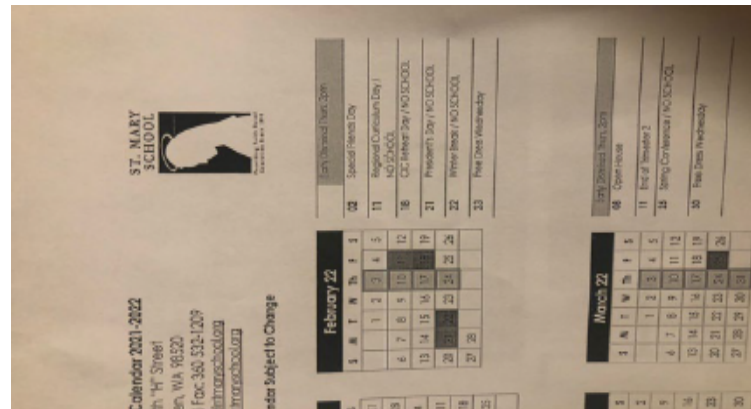
According to the school mid winter break is from feb18-22nd therefore I'm requesting the time as stated in the plan.



Just a reminder!
NO SCHOOL this Friday Feb 18 through Tuesday Feb 22. Our teachers will be attending the Christ in Classroom Retreat and it is also WINTER BREAK!
Thank you!

On Feb 14, 2022, at 8:51 AM, Miranda Henderson <mirandahendersonemail@gmail.com> wrote:

See the schedule: There is one day designated to winter break. The rest of the days are unspecified on the parenting plan.



From: Miranda Henderson <mirandahendersonemail@gmail.com>
Date: February 16, 2022 at 9:12:42 PM PST
To: Kevin Smith <aloha7smiths@yahoo.com>
Subject: Re: Mid winter break

Again, see how they designated no school days days. Then see the parenting plan:

- Friday- Christ in the Classroom
- Monday- Presidents Day
- Tuesday- Winter Break

Monday is an unnamed holiday attached to the weekend that parent who is scheduled has. Tuesday is the only day that is designated as Winter break.
You may come get them for the day if you like. We can't get out to Olympia in the morning to meet but you are welcome to come get them from here for the day at (8:00am) and drop them off in the evening (7:00pm) for school the next day.