STEPHEN W MANNING, OSB No. 013373
stephen@innovationlawlab.org,
smanning@ilgrp.com
INNOVATION LAW LAB
333 SW 5th Ave., Suite 200
Portland, OR 97204-1748
Telephone: +1 503-922-3042

*Pro hac vice

Additional counsel on last page

STANLEY YOUNG, CA No. 121180*
syoung@cov.com
JEHAN A. PATTERSON, D.C. No. 1012119*
jpatterson@cov.com
SABRINA MCGRAW, CA No. 334120*
smcgraw@cov.com
AMBER LOWERY, D.C. No. 1780982*
alowery@cov.com
ANALESE BRIDGES, D.C. No. 90029992*
abridges@cov.com
EVAN CHIACCHIARO, D.C. No. 90037819*
echiacchiaro@cov.com
COVINGTON & BURLING LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: +1-202-662-5129

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

PINEROS Y CAMPESINOS UNIDOS DEL NOROESTE; AUGUSTANA LUTHERAN CHURCH; OUR LADY OF GUADALUPE PARISH; SAN FRANCISCO INTERFAITH COUNCIL; WESTMINSTER PRESBYTERIAN CHURCH; NATIONAL EDUCATION ASSOCIATION; AMERICAN FEDERATION OF TEACHERS; AMY LOMANTO; HANNA MAE ANDERSON; LAUREN FONG; and CAROLINE KEATING MEDEIROS,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as Secretary of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; RODNEY S. SCOTT in his official capacity as Commissioner of Customs and Border Protection; U.S. CUSTOMS AND BORDER PROTECTION,

Defendants.

Civil Action No.: 6:25-cv-699-AA

DECLARATION OF MARIA HEAVENER IN SUPPORT OF PLAINTIFFS NATIONAL EDUCATION ASSOCIATION AND AMERICAN FEDERATION OF TEACHERS' MOTION FOR STAY UNDER 5 U.S.C. § 705

DECLARATION OF MARIA HEAVENER IN SUPPORT OF PLAINTIFFS NATIONAL EDUCATION ASSOCIATION AND AMERICAN FEDERATION OF TEACHERS' MOTION FOR STAY UNDER 5 U.S.C. § 705

I, Maria Heavener, upon my personal knowledge, hereby declare under penalty of perjury as follows:

1. My name is Maria Heavener. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated. If called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein.
2. I am offering this Declaration in my individual capacity and not on behalf of the institution that employs me.
3. I currently serve as a first-grade teacher at Funston Elementary School in Chicago, Illinois. I have been working in elementary education for sixteen years, seven of which I have been teaching first grade.
4. About 90% of Funston Elementary's student population is Hispanic. The majority of our students either speak Spanish or come from homes where their relatives speak Spanish. The school offers comprehensive bilingual academic programming.
5. I am a member of the American Federation of Teachers (AFT).
6. I learned about the termination of protections for sensitive locations shortly after it happened in January 2025. Prior to this policy change, the possibility of ICE entering schools or children being afraid to encounter ICE at school never once crossed my mind. I immediately felt nervous and uncertain, and I was worried about how the new policy would affect my students and kids around the nation.

7. After the policy change, I watched last year as instances of immigration enforcement at or near schools and other sensitive locations picked up around the nation. Each time I saw one of these on the news or on social media, it increased my anxiety, because I saw officers demonstrating levels of violence and aggression far outside of what was necessary. They seemed emboldened by the policy change, and it all felt very unpredictable.
8. Then, in October 2025, I was teaching my students on a Friday morning when, all of a sudden, my phone started pinging like crazy. Soon after, I began hearing cars honking outside and commotion happening. I had the windows open in the classroom because it was a nice, sunny autumn day, but I had to close the windows because the noise was distracting my students. I continued to receive notifications on my phone, so I glanced at them and saw messages from another teacher at the school alerting me and others that ICE was directly across the street from the school.
9. The teacher had been walking across the street to a grocery store while on her lunch break, when she saw immigration agents in a car stopped at the intersection. As community members realized who they were, people started honking and blowing whistles to alert the community to their presence. The teacher immediately texted teachers and administrators at our school to let them know how close the immigration agents were, then ran back to the school to make sure all the students were immediately brought inside.
10. As the teacher ran back to the school, the immigration agents in the car began deploying tear gas, which wafted over to the school grounds. Our school went into soft lockdown, and we spent the next few hours making sure school staff, community members, and parents understood what was happening. The school sent a letter out to families explaining

everything that the school did to try to keep their children safe. We also spent time enlisting community members to come and help watch for ICE during school dismissal.

11. This was an incredibly jarring experience. I tried my best to control my energy and regulate myself in front of my students so that they didn't worry too much, but they knew something out of the ordinary was happening. While my students did not directly face the side of the street where the chaos ensued, the sixth through eighth graders watched the whole incident unfold from their windows. I overheard them talking about it all throughout the rest of the day.

12. The day was such an emotional overload, it was a huge relief once the school day was over. However, as soon I got home and took a breath, a heavy feeling of dread remained. All I could think about was "What about Monday?"

13. I felt traumatized—in the days following the incident, every time I heard car horns from my classroom window, I would immediately panic and worry that it was happening again. It was very scary.

14. My own students and other elementary-aged kids continued talking about the incident all through the next week. Students with darker-colored skin expressed fear that ICE would come to their door. One of my students became fixated on tear gas—he was terrified of what it was and what it did. One day, while some students were talking about tear gas, he had a panic attack. He completely froze up and began having trouble breathing. Luckily, his grandmother was a kindergarten teacher at the school, and he was able to go be with her to calm down. Another day, a sixth grader told me that she was worried that immigration officers would shatter the windows and force their way into the school. I reassured her that

wouldn't happen, but I have the same worry in the back of my mind. Kids around the school kept asking why this was happening, and why ICE wants to take people.

15. I and other teachers and administrators have since had to spend significant time thinking through scenarios and coming up with contingency plans for if ICE shows up again or targets school buses along drop off routes or during field trips. I was recently on a call with Minneapolis and St. Paul union representatives, and they talked about how one of their school buses—carrying young, nonverbal children—was stopped by immigration officers. The children were severely traumatized by that event. While I and others at my school have done what we can to assure parents and students that they are safe, it doesn't feel certain.
16. Our school also saw attendance drop following the incident. Teachers shared that they had parents informing them that their kids would be late because they were walking to school rather than taking the school bus, or that they were taking their children out of school until they were no longer in danger at or on their way to school. Since then, my class has continued to struggle with attendance issues. Even some families who have legal documentation have expressed their fear of getting stopped on the way to school. Even now, months later, students still bring up the ICE incident that happened in October.
17. By November and December 2025, I felt extremely burned out. It feels like I have two full-time jobs—teaching children all day and then spending all evening educating parents, school staff, and community members; creating safety plans; and going to coordination meetings to learn how to better protect my students and our community. I spent most of Christmas break in bed trying to recuperate both mentally and physically, and I spent most of January 2026 sick.

18. I have been teaching for sixteen years, and I pride myself in being a highly adept emerging reading, writing, and math teacher. It is extremely gratifying working with children and watching them learn how to perform important skills that they couldn't do at the beginning of the year. However, my students are not where they should be academically at this time of year—their progress has been significantly inhibited due to the ICE incident in October and the resulting fallout. This is due both to the students' increased fear and anxiety impacting their ability to learn, as well as having to focus so much of my own time on finding ways to keep my students safe at school instead of planning lessons. This disturbs me. Schools should be safe places where kids can focus on learning, not worry about getting disappeared.

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Executed in Chicago, Illinois on 02/10/2026

/s/ Maria Heavener

_____

Maria Heavener

STEPHEN W MANNING, OSB No. 013373
stephen@innovationlawlab.org,
smanning@ilgrp.com
TESS HELLGREN, OSB No. 191622
tess@innovationlawlab.org
RACHEL LANDRY, Mass. No.713320*
rachel@innovationlawlab.org
NELLY GARCIA ORJUELA, OSB No.223308
nelly@innovationlawlab.org
INNOVATION LAW LAB
333 SW 5th Ave., Suite 200
Portland, OR 97204-1748
Telephone: +1 503-922-3042

STANLEY YOUNG, CA No. 121180*
syoung@cov.com
JEHAN A. PATTERSON, D.C. No. 1012119*
jpatterson@cov.com
SABRINA MCGRAW, CA No. 334120*
smcgraw@cov.com
AMBER LOWERY, D.C. No. 1780982*
alowery@cov.com
ANALESE BRIDGES, D.C. No. 90029992*
abridges@cov.com
EVAN CHIACCHIARO, D.C. No. 90037819*
echiacchiaro@cov.com
Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
Telephone: +1-202-662-5129

Attorneys for Plaintiffs

Pro hac vice
***Pro hac vice application forthcoming*

BRANDON GALLI-GRAVES, Tx. No. 24132050*
brandon.galli-graves@justiceactioncenter.org
ESTHER H SUNG, Cal. No. 255962*
esther.sung@justiceactioncenter.org
KAREN C TUMLIN, Cal. No. 234961*
karen.tumlin@justiceactioncenter.org
HILLARY LI, Ga. No. 898375*
hillary.li@justiceactioncenter.org
LAURA FLORES-PERILLA, Cal. No. 355645*
laura.flores-perilla@justiceactioncenter.org
EMILY SATIFKA, Nj. No. 330452020*
emily.satifka@justiceactioncenter.org
JUSTICE ACTION CENTER
PO Box 27280
Los Angeles, CA 90027
Telephone:+1 323-450-727

Attorneys for Plaintiffs

DANIEL MCNEIL, D.C. No. 455712**
dmcneil@aft.org
CHANNING COOPER, Md. No. 1212110182*
ccooper@aft.org
AMERICAN FEDERATION OF TEACHERS
555 New Jersey Avenue, N.W.
Washington, D.C. 20001
Telephone: +1 202-879-4400

Attorneys for Plaintiff American Federation of Teachers

LUBNA A. ALAM, DC No. 982169*
lalam@nea.org
KATHERINE E. LAMM, DC No. 1006319*
klamm@nea.org
NATIONAL EDUCATION ASSOCIATION
1201 16th Street NW
Washington, DC 20036
(202) 822-7035

Attorneys for Plaintiff National Education Association