

DECEMBER 5, 2022

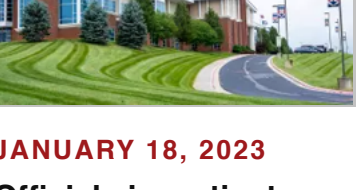
'Their actions are hurting us': How HHS students have turned up their advocacy against critics

By **Bridget Manley, Publisher**
Posted in **Harrisonburg Issues**

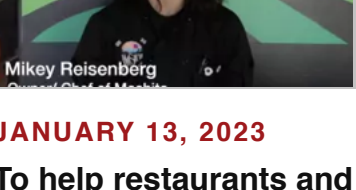
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By **Bridget Manley, publisher**



From left to right, Finn Maddox, Lee Jenkins and Ellie Tjaden have found community — and their voices of advocacy — as part of the Harrisonburg High School Gay-Straight Alliance. (Photo by Bridget Manley)

Ellie Tjaden, Lee Jenkins and Finn Maddox, students at Harrisonburg High School and members of the Gay-Straight Alliance, have weathered COVID shutdowns, masking and remote learning as part of their high school experience. But they have also experienced another strange phenomenon.

As they navigate questions and feelings about their own identities, they have watched as conversations about the LGBTQ community have escalated, finding their ways into school board meetings in Harrisonburg and across the country.

"I genuinely feel violated, having a grown adult person go to a meeting, and talk about my body and my identity as if it's a political issue," Finn Maddox told *The Citizen*. "It makes me feel so scrutinized, and so uncomfortable in myself."

Maddox uses they/them pronouns, as does Jenkins. Tjaden prefers she/her.

Some parents and conservative political leaders have raised concerns about "parental rights" by saying that schools have implemented policies allowing students to choose gender identities, pronouns and preferred names without out consulting the parents. At some meetings, those positions have drowned out discussion of the rights of non-binary and trans students.

The Virginia General Assembly amended the [Virginia Human Rights Act](#) in July 2020 to include gender and sexual orientation, thus protecting LGBTQ people from discrimination, including in educational institutions.

The Virginia Department of Education under former Gov. Ralph Northam issued guidance to Virginia schools to allow students to use restrooms and go by pronouns and names that match their gender by which they identified.

This fall, Gov. Glenn Youngkin [overhauled many of those guidelines](#), but the changes are still in limbo as the state's Education Department works through more than 71,000 public comments regarding the new policies and [possible contradictions to state law](#).

Locally, the Harrisonburg School Board has faced some upset parents and others who don't have children in the school system, who have raised concerns about gender affirming books, bathroom policies and use of pronouns.

For the members of the Gay-Straight Alliance, the attention has stirred anxiety and worry about the safety and mental health of non-binary and trans students.

"The aspect of having your identity being actively debated over is debilitating," Maddox said.

Lee Jenkins, meanwhile, has questioned why their identity is being turned into a political agenda.

"It's a non-political topic that people are making political," Jenkins said.

A safe space becomes a club for advocacy

The Gay-Straight Alliance, which has been around since the opening of Harrisonburg High School in 2005, has 20 active members as well as a dozen more semi-active supporters. The club provides a space for students who are exploring LGBTQ+ issues and their own sexual and gender identities, as well as for seeking acceptance and like-minded friends.

The group's meetings used to be smaller and more mundane, Tjaden said.

"We would complain about our love lives, and then go home," Tjaden said with a laugh. But following COVID, more students joined the club.

Maddox said they came out as non-binary at the end of their freshman year of high school, right before COVID shut down schools.

"That year was a very big time for me to process my identity, because I'd been feeling off, or different, since I was a kid, and I didn't have a word for it," Maddox said. "So when I found out what non-binary and trans meant, I felt safe. I felt at home in that identity."

When Maddox came back to school their junior year, they attended a Gay-Straight Alliance holiday party.

"It's given me a space to connect with other people in the community and help stand up against people making us feel unsafe, and I think that's important for any community to have," Maddox said.

Meanwhile, controversy was brewing in school board meetings across the country and in the Valley, and the group started to advocate for themselves and their identities, including pushing back against book-banning in their school.

Then the Harrisonburg school board [was sued by several teachers and parents](#), who said that their rights as parents and teachers were being violated by the board's gender policy.

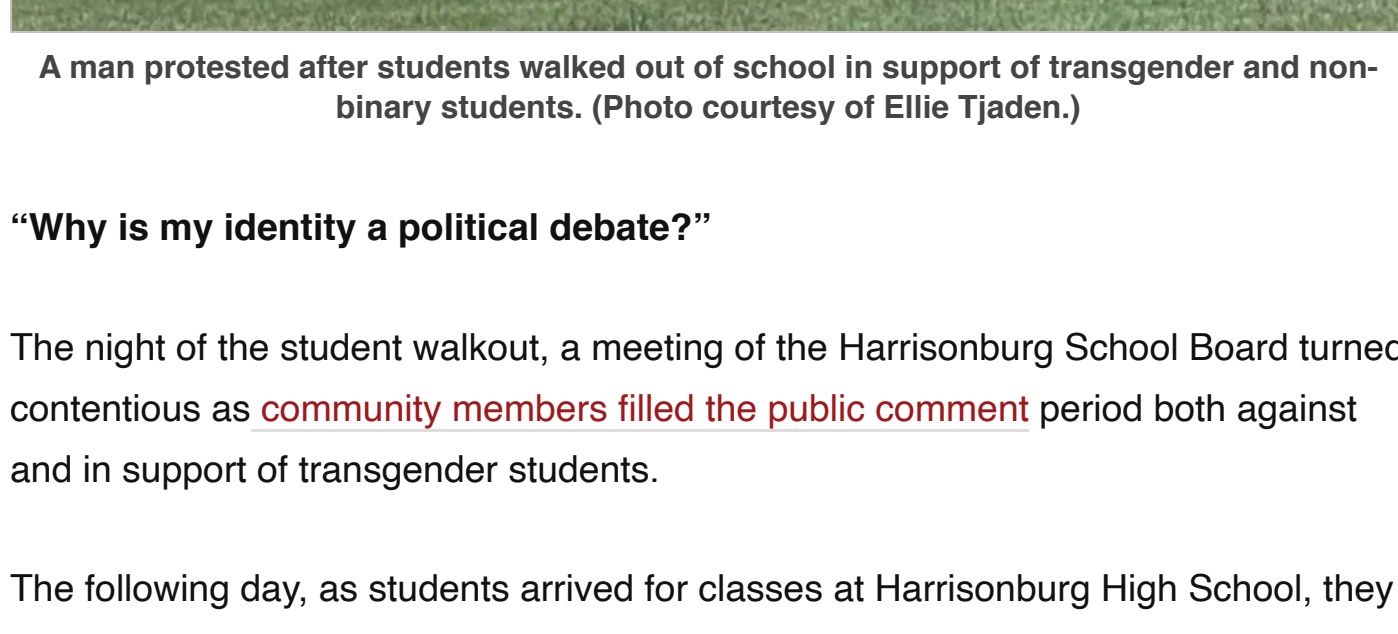
And the day the lawsuit [went to court in November](#), the group decided to stage a walkout. They thought about 30 students might walk out. It turned out that hundreds did.

"We had people that we thought would never come out," said Tjaden, who organized the event. School athletes — including the high school football team — walked out and held signs and shouted their support.

"I was not expecting some of the football guys to get on top of the cafeteria tables and scream 'trans rights' with a sign over their heads, which honestly made me really happy," Jenkins said.

During speeches, people in the crowd would cheer and shout their support, and Gay-Straight Alliance members said they felt the "loud love."

"A lot of the trans and non-binary people who are a part of GSA were just bawling their eyes out because they felt so empowered and felt supported by our school community," Jenkins said.



A man protested after students walked out of school in support of transgender and non-binary students. (Photo courtesy of Ellie Tjaden.)

"Why is my identity a political debate?"

The night of the student walkout, a meeting of the Harrisonburg School Board turned contentious as [community members filled the public comment](#) period both against and in support of transgender students.

The following day, as students arrived for classes at Harrisonburg High School, they were greeted by a man on school property holding signs that read, "DNA defines gender."

Lt. Chris Monahan of the Harrisonburg Police Department told *The Citizen* that the high school's School Resource Officer issued the man a trespassing order and escorted him off campus. The man came back later in the day, but stood down the street, off school property.

"It was just awkward to know that there was somebody actively standing outside our school, like a 30-40 year-old guy holding a sign outside of our school, telling us that our identity was against something," Maddox said.

After all, Maddox said, safety and compassion were main reasons behind the walkout.

"We were advocating for our safety in the walkout," they said. "What we were doing was saying is that [this behavior] is presenting an issue to the safety of trans kids."

All three Gay-Straight Alliance members said that while they feel they have a very supportive school community, they have also experienced harassment and misgendering by some on campus.

They have been called slurs and been shoved by other students in the hallways. Names — the students, and one teacher at school intentionally uses students' dead names — names given at birth that the students no longer use — even though they have been using their chosen name for years.

"My birth name was very hard to find in the system, and he found it," Maddox said. "He proceeded to call me by my birth name in class, singled me out, called me "she" and my birth name, and I was sitting in the corner of the room sobbing."

Multiple studies have shown that using a person's chosen name and pronouns [lowers depressive symptoms, suicidal ideation, and suicidal thoughts](#) in transgender youth. And the three students pointed out that teachers have used nicknames for other students when asked to do so.

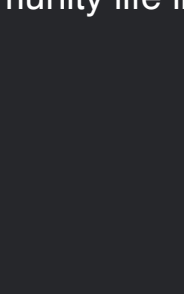
Jenkins, Maddox and Tjaden want people to know that they are not "promoting kidnapping," as one commenter said at a recent school board meeting. But they are promoting safety of the trans community and the "basic human right" to live in a way that is authentic to them.

"Identity is a basic human right," Tjaden said.

All three Gay-Straight Alliance members said they want to continue the dialogue with community members to dispel misconceptions about their identities and have "one-on-one conversations" about why angry words can lead to violence against their communities.

"They have the right to protest, they have the right to speak their mind just as we do," Maddox said. "But the difference is that their actions are hurting us, and ours aren't."

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Bridget Manley, Publisher
Bridget spent most of her adult life working as a morning show producer and reporter for radio stations in Cumberland, Md., and Annapolis, Md., before moving to Harrisonburg eight years ago. When she's not reporting the news and helping run The Citizen, she's the manager of operations for Rivercrest Farm and Event Center in Shenandoah, she is a freelance reporter for WMRA, and also hosts a podcast that shares parenting stories called "Birds In A Tree."

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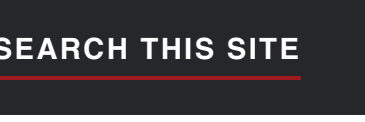
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A month before school lawsuit reaches court, arguments fly in media appearances and affidavit

By Bridget Manley, Publisher
Posted in Harrisonburg Issues

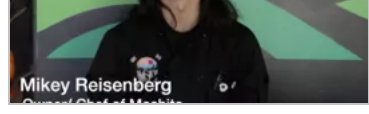
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VIRGINIA:
IN THE CIRCUIT COURT FOR THE COUNTY OF ROCKINGHAM
DEBORAH FIGLIOLA, KRISTINE MARSH, TIMOTHY AND LAURA NELSON AND JOHN AND NICOLETTE STEPHENS,
Plaintiffs,
v.
Case No. CL22-1304
THE SCHOOL BOARD OF THE CITY OF HARRISONBURG, VIRGINIA AND MICHAEL G. RICHARDS,
Defendants.

By Bridget Manley, publisher

As the Harrisonburg City School Board and a group of parents and teachers prepare to go to court over interpretations of teacher training materials given last year, Superintendent Michael Richards filed a sworn statement that counters some of what one of the teachers has been saying to media.

Deborah Figliola, one of the district's teachers involved in bringing the lawsuit, was a guest on "Fox & Friends First" last month and said she "didn't want to lie to children and didn't want to lie to parents" about changes in names and preferred gender pronouns that students might request.

Figliola and fellow teachers Kristine Marsh and Laura Nelson, as well as parents Timothy Nelson and John and Nicolette Stephens, filed the lawsuit in June. A court date has been set in the case for Nov. 1 at 1:30 p.m. at the Rockingham County Courthouse.

The lawsuit claims that HCPS has implemented a policy that "forces teachers on pain of discipline to use any pronouns or names requested by a student," while actively hiding information about that request from the teachers' last fall.

School Superintendent Michael Richards submitted an affidavit to the Rockingham County Circuit Court on Friday countering some of the lawsuit's claims and outlining the district's approach when a student wishes to go by a different name or pronoun.

That training, a presentation called "Supporting Our Transgender Students," was not a training mandated by the school district, according to Richards' sworn statement. In addition, Richards said in the statement that the information outlined in the training materials was not presented as mandatory to staff.

While the presentation was informed by the 2021 Virginia Department of Education Model Policy, it did not say teachers or staff would be subject to discipline by either the district or the school board for not complying.

Instead, the training materials were presented as "best practices" rather than policy that teachers were required to follow, Richards' affidavit said.

In an interview with The Citizen, Figliola was asked whether she experienced a case in which she was instructed to lie to a parent regarding their child's change in name or gender pronouns. Figliola did not answer directly.

"That was the point of the teacher training," said Kate Anderson, senior counsel for Alliance Defending Freedom and Figliola's lawyer, who was also on the phone call with The Citizen. "The teacher training was to convey to all of the teachers that this was the instruction from administration. That they were to hide this information from the parents."

Richards said that in compliance with the law, the school board revised the district's nondiscrimination policy, adding "gender identity" to the list of expressly protected characteristics.

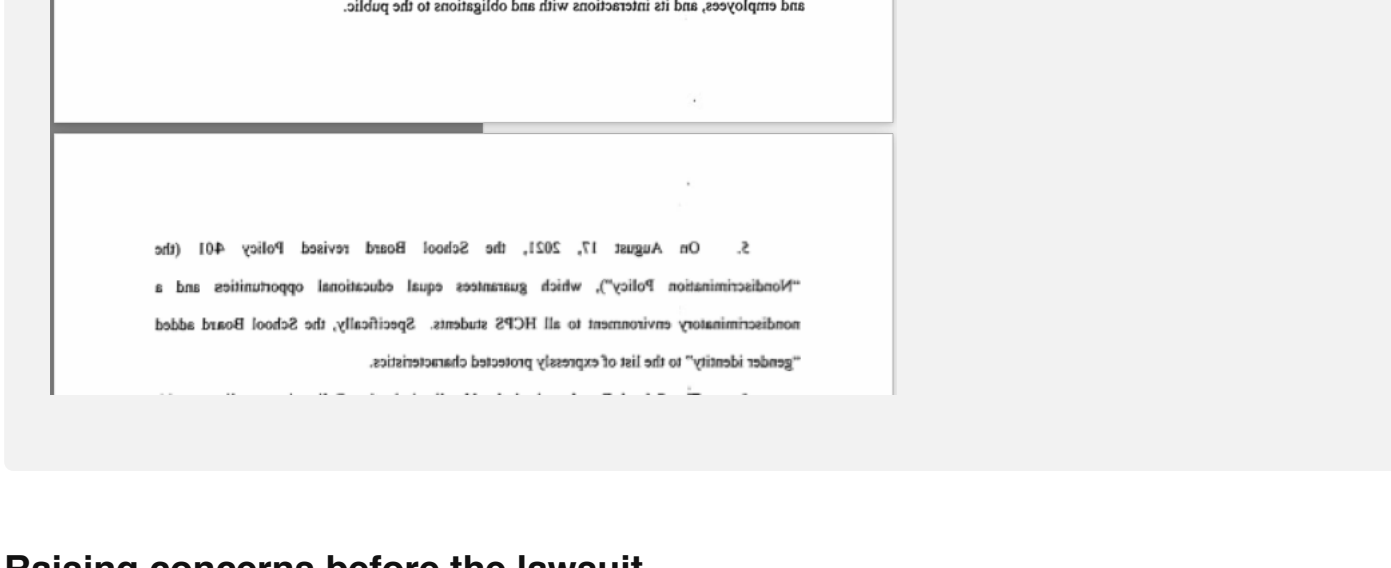
His affidavit said that to assist faculty and staff, the HCPS administration developed a team-based process for responding to the needs of students and families.

That process begins when a student tells a teacher about a desired name or pronoun change, which the teacher would then refer to the school counselor, according to Richards. The counselor would then assemble a team of school administration, the student's family, and other support staff and mental health professionals to "promote a safe learning environment for the student."

Richards said at no point does the process include asking teachers to lie to parents.

Figliola was given the chance to respond to Richards' description of that process. She did not directly respond to the question, saying in part that she loved her students and that each child is an individual whose parents needed to be part of the process.

Richards previously outlined the process in letters he exchanged with the Alliance Defending Freedom, the Arizona-based conservative organization, that has worked with the teachers and parents to bring the suit.



Raising concerns before the lawsuit

Richards' affidavit follows the publication last summer of letters sent between Richards the Alliance Defending Freedom, which were exchanged beginning in January of 2022.

In the letters, Richards initially explained the "team approach" that the city schools planned to implement, saying that he hoped he and the organization could have a "mutually respectful conversation."

During the interview with the Fox News program, the host asked Figliola and Alliance Defending Freedom CEO Kristen Waggoner to respond to the school district's statement that officials were "dismayed" that the complaint has escalated to a lawsuit rather than trying to work it out. Waggoner said parents and teachers "voiced their concern."

Figliola told The Citizen that she was among several people who spoke at school board meetings before contacting Alliance Defending Freedom to begin the lawsuit.

"There were a number of us that spoke up at board meetings, etcetera, and at the same time we also saw that basically this policy was already started, instituted," Figliola said. "And we were not willing to, at that point, do those things, because we felt it was wrong. But most importantly, we did speak up at board meetings, and share that we were not happy with this."

Figliola then went on to say that they received no response.

"Basically, we didn't get a response," Figliola said. "It was not a response at all, especially to different requests, etcetera."

In the affidavit, Richards said his office was aware of two concerns from teachers that came into his office during the 2021-2022 and 2022-2023 school years and that neither came from any of the three plaintiffs employed by the school system. One employee expressed concerns in the 2021-2022 school year about being asked to "lie" to parents, and in the 2022-2023 school year, a representative from the Harrisonburg Education Association met with Richards to convey concerns from another teacher about being "asked to lie."

The affidavit says Richards explained in both cases that teachers were expected to answer truthfully, were not ever threatened with discipline at any time, and "under no circumstances was a teacher expected to lie to a parent."

The Citizen reviewed School Board meeting minutes that span June 2021 through June 2022 — the timeframe between the introduction of the training materials in August 2021 and the filing of the lawsuit this June. The minutes reveal that while Figliola spoke at two board meetings last fall, neither of those comments reflected concerns about the change in the nondiscrimination policy.

According to the minutes posted on the HCPS website, Figliola spoke once at the Sept. 21, 2021, meeting regarding mandated COVID testing rules for unvaccinated teachers and again at the Oct. 5, 2021, meeting in which she talked about her frustration that staff members could not find the link for online public comment.

While a number of people who spoke during public comment against the public in the nondiscrimination policy, none of the other five plaintiffs made any public comments at any meeting during that timeframe, according to the minutes.

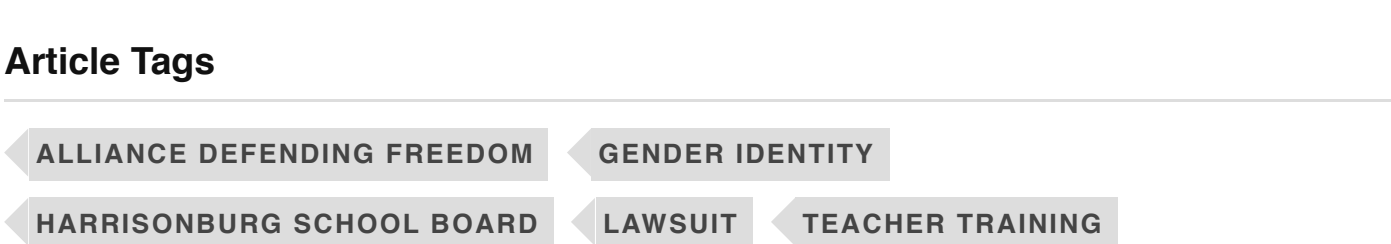
Headed to court

Richards declined to add comment to the lawsuit, but he did say in the affidavit that adding gender identity as a protected characteristic "was informed by the fundamental objective that every child be treated with both dignity and respect and that they be cared for by their school community in a healthy and safe environment."

Figliola said her ultimate hope for the lawsuit is that the parents are considered in the decision-making process.

"Whatever any issue is, we always contact parents," Figliola said. "That is our go-to start point. I believe we should continue that in all areas just the same. And then, whenever there is a situation where a kid maybe shares that they are not comfortable with their parents, then we figure it out. We've always figured it out...So, starting off with the same protocol that we always use, we work with parents. It makes sense to me."

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Nick Swayne, city's school board chair and JMU X-Labs director, to leave Hburg to become college president in Idaho

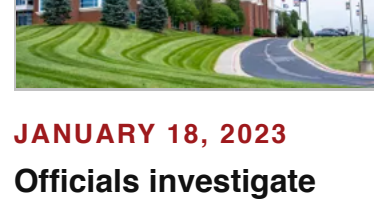
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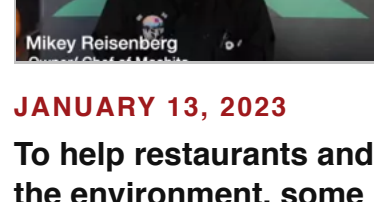
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The Harrisonburg City School Board members — (from left to right) Kaylene Seigle, Obie Hill, Andy Kohen, Deb Fitzgerald, Kristen Loflin and Nick Swayne — welcome students back to school in 2019. (File photo)

By **Bridget Manley, publisher**

Nick Swayne, the chair of the Harrisonburg School Board and founding director of **JMU X-Labs** at James Madison University, will become president of **North Idaho College** and will leave Harrisonburg in August.

The departure will create voids in the technical and entrepreneurial spaces at JMU, as well as on the school board.



Nick Swayne.

For Swayne, the move is a sort of homecoming. Swayne, who graduated high school in Idaho about an hour from the college, will take the helm of the **public two-year college** that focuses on degrees in business and career and technical programs.

Swayne said the school played an important role in the community and many of his friends attended it.

"It was a prominent part of my growing up that this place was just up the road," Swayne said.

Swayne officially starts at NIC on Aug. 1 but plans to relocate at the end of August.

Presiding over more than a decade of change

Swayne has served on the Harrisonburg School Board since 2009, serving several terms as chair and vice-chair, and has been part of a school board that in recent years has presided over construction of Bluestone Elementary School in 2017 and now the new Rocktown High School, which is slated to open in 2024. Swayne also has served on boards that expanded the Governors Program to include K-12 students, expanded the S.T.E.M. Academy and Visual and Performing Arts Academy.

When Swayne began his first term on the school board, the Harrisonburg City Public Schools had a little more than 4,000 students in the system. That number is now more than 7,500.

Students in the Harrisonburg school system represent 72 countries around the world, and for many students, English is their second language. When Swayne began his first term, one of the deciding factors for gifted and talented program admittance at the time was based on a language test.

Swayne said this meant that for many students, if they did not speak English, they were not admitted to the program. Swayne, along with other members of the board, worked to change the admittance requirements for students to be more inclusive and diversify the programs.

"Those students are welcomed into the community, and given those opportunities, and that's phenomenal," Swayne said.

Many members of the board expressed their appreciation for Swayne's leadership and friendship over the years.

Vice-Chair Deb Fitzgerald told *The Citizen* she will miss Swayne.

"Idaho's gain is our great loss, that of a great, community minded leader with a steady hand, a ton of experience, and a good heart," she said.

School Superintendent Michael Richards said Swayne was transparent about applying for the job in Idaho. He said he was happy for Swayne's next adventure.

"Nick has been a valuable member of the Board and has relentlessly advocated for our students and our community. He will be greatly missed," Richards said. "I will personally miss his wisdom/experience and critical thinking. I wish him all the best in his new journey."

Board members Andy Kohen and Kristen Loflin also thanked Swayne for his leadership.

"At a personal level, he was instrumental in orienting me by volunteering to be my 'wing man,' when I was thrust by circumstances into being the chair only three months after being sworn in," Kohen said. "He has been an ardent champion of increasing compensation for all our teachers, classified and professional personnel and grasped the intricacies of budgets, pensions and health insurance programs."

Loflin, who served as the **board's chair last year**, said she appreciated his guidance.

"I was fortunate to serve as chair when he was most recently vice-chair, and learned a tremendous amount from him," she said. "He has a unique way of gently nudging people to try something they weren't confident they could do. He helps grow stronger leaders."

Forthcoming resignation from the board

Swayne has not formally resigned from the Harrisonburg School Board, and the question of when he will officially resign will lead to how his seat will be filled. After being re-elected in November 2020, Swayne still has more than two years left in his term.

Vice-Chair Deb Fitzgerald explained to *The Citizen* said special elections for seat vacancies cannot be ordered to occur within ninety days of a November Election, **according to Virginia law**. Harrisonburg's Voter Registrar Mark Finks concurred.

If Swayne officially resigns before Aug. 10, the special election can happen in November — in conjunction with the regularly scheduled general election on Nov. 8. Three other seats on the six-member board are up for re-election this fall — the three held by Kohen, Loflin and Obie Hill.

If Swayne resigns after Aug. 10, the special election will most likely occur in November 2023, and the board can appoint someone to fill his seat until that time.

Swayne told *The Citizen* he wants to resign during a board meeting, even if he has to dial into the meeting from Idaho. While the next board meeting is Aug. 2, Swayne said he might officially resign at the end of August instead.

He said that while he will do his best to make everyone happy, for him the decision to officially resign and do it in person is a personal decision.

"I'm technically still a resident. My house is still here. We won't sell, so probably the end of August, sometime at the end of August I'll officially resign," Swayne said. "I don't want to text in my resignation, you know?...I'd love to do it in person, I don't know if the timing is going to work out, but I would love to do that in person, if I can."

Swayne said he feels confident in the stability of the board and superintendent as the school district moves forward, and he is confident the board will continue to focus on the students of Harrisonburg.

Legacy at JMU

Swayne moved to the area in 2001 to head JMU's ROTC program. And he helped lead the program to consistently be **among the top 5% of programs nationally**. After his retirement from the military, Swayne stayed on at JMU in the College of Education as director of external relations and outreach.

Swayne also played a key role in growing the first robotics program at JMU and hosting more than 100 teams for robotics championships in Harrisonburg.

In 2015, Swayne started the JMU X-Labs. Swayne told *The Citizen* that he had an idea for a program that would teach systems of innovation through collaborative, cross-disciplinary projects, and he convinced the university to renovate the building and create the program.

By 2019, JMU X-Labs **was featured on the cover of Chronicle of Higher Education**. The *Chronicle* also highlighted five exemplar schools for innovation and creativity, of which JMU was named.

In a letter to the university sent Friday, JMU President Jonathan Alger said Swayne will be "a terrific college president."

"Nick has been a champion of innovation and interdisciplinary education at JMU, and has built connections and collaborations across departments, institutions, and sectors," Alger said in the statement.

And as for JMU X-Labs, splitting his roles and visions into "manageable bites" for the rest of the X-Labs staff and educators will be a process, but he said Alger assured him that the program will continue and flourish.

"Everybody is lined up to support [the program]...and everybody is committed to the continuity and success of the X-Labs," Swayne said.

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