

PUBLIC COUNSEL

Mark Rosenbaum (SBN 59940)
mrosenbaum@publiccounsel.org
Amanda Mangaser Savage (SBN 325996)
asavage@publiccounsel.org
Mustafa Ishaq Filat (SBN 346089)
ifilat@publiccounsel.org
Kathryn Eidmann (SBN 268053)
keidmann@publiccounsel.org
610 S. Ardmore Avenue
Los Angeles, California 90005
Tel. 213.385.2977

BALLARD SPAHR LLP

Scott Humphreys (SBN 298021)
humphreys@ballardspahr.com
Tel. 424.204.4373
Elizabeth Schilken (SBN 241231)
schilkene@ballardspahr.com
Tel. 424.204.4371
2029 Century Park E, Suite 1400
Los Angeles, CA 90067

Maxwell S. Mishkin (D.C. Bar 1031356)
(*pro hac vice forthcoming*)
mishkinm@ballardspahr.com
1909 K Street, NW, 12th Floor
Washington, DC 20006-1157
Tel. 202.508.1140

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

MAE M., through her guardian ad litem
Anthony M.. SUSAN C., through her
guardian ad litem Sabrina C.. GWEN S.,
through their guardian ad litem Ramona S..
CARSON L., through his guardian ad litem
Nancy L.. DAVID P., through his guardian
ad litem RACHEL P., VIOLET B., through
her guardian ad litem INEZ B., STELLA B.,
through her guardian ad litem INEZ B.,
TEMECULA VALLEY EDUCATORS
ASSOCIATION, AMY EYTCHISON,
KATRINA MILES, JENNIFER SCHARF,
and DAWN SIBBY,

Plaintiffs,

v.

JOSEPH KOMROSKY, JENNIFER
WIERSMA, DANNY GONZALEZ,
ALLISON BARCLAY, and STEVEN
SCHWARTZ, in their official capacities as
members of TEMECULA VALLEY
UNIFIED SCHOOL DISTRICT BOARD OF
TRUSTEES, TEMECULA VALLEY
UNIFIED SCHOOL DISTRICT, and DOES
1 – 100,

Defendants.

Case No.: CVSW2306224

**DECLARATION OF JOHN ROGERS,
Ph.D. AS EXPERT WITNESS**

Judge: Honorable Irma Poole Asberry

Dept.: 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF JOHN ROGERS, Ph.D

I, John Rogers, declare that if called as a witness I would and could testify competently as follows:

Background

1. I am a Professor of Education at the UCLA School of Education and Information Studies. I am the Co-Founder and Director of the Institute for Democracy, Education, and Access (IDEA), a research institute that seeks to understand and challenge racial and social class inequalities in education. I also serve as the Faculty Director of Center X, which houses UCLA’s Teacher Education Program, Principal Leadership Program, and other professional development initiatives for educators and administrators. I received my Ph.D. in Education from Stanford University and my bachelor’s degree in Public Policy and African-American Studies from Princeton University.

2. My scholarship focuses on the role of democracy and inequality in public education, as well as on what and how youth learn about economic, social, and racial inequality inside and outside of school. For the past four years, I have been named to Education Week’s Edu-Scholar Public Influence Rankings, a list highlighting the top 200 education scholars in the nation whose work influences educational practice and policy.

3. I am lead co-author of a report analyzing local attempts to restrict teaching about race and racism in public schools. *The Conflict Campaign: Exploring Local Experiences of the Campaign to Ban ‘Critical Race Theory’ in Public K–12 Education in the U.S., 2020–2021* draws upon survey and interview data from educators, as well as media data, to examine the impacts of local censorship campaigns.¹

¹ Mica Pollock & John Rogers et al., *The Conflict Campaign: Exploring Local Experiences of the Campaign to Ban ‘Critical Race Theory’ in Public K–12 Education in the U.S., 2020–2021* (2022), <https://idea.gseis.ucla.edu/publications/the-conflict-campaign/publications/files/the-conflict-campaign-report>.

1 4. With Joseph Kahne, I also authored *Educating for a Diverse Democracy: The*
2 *Chilling Role of Political Conflict in Blue, Purple, and Red Communities*,² which uses survey
3 data from public high school principals to assess the impact of local politics on school climate.

4 5. A copy of my curriculum vitae is attached as Exhibit A.

5 **Passage and Chilling Effect of Resolution 21**

6 6. The events leading up to the passage of Resolution 21 by the Temecula Valley
7 Unified School District Board of Trustees exemplify a localized conflict campaign to restrict
8 teaching on a broad, loosely grouped set of ideas about race, racism, gender, sexual orientation,
9 diversity, and inclusion.

10 7. The flipping of the Board and passage of Resolution 21 are consistent with my
11 and my co-authors’ understanding of which school districts are most likely to be affected by
12 conflict campaigns. We found that districts experiencing the most rapid demographic change—
13 where White student enrollment fell by more than 18 percent since 2000—were more than three
14 times as likely to be impacted by a localized conflict campaign than districts with minimal or no
15 change in White student enrollment. Temecula is one such district: in 2022, White student
16 enrollment was 38.8 percent, down from 62.5 percent in 2004.³ Troublingly, this means that
17 Temecula students are prevented from understanding their community’s experience together in
18 a safe classroom environment.

19 8. *The Conflict Campaign* examines how conservative entities, including media and
20 PACs, have inflamed local actors by distorting K–12 educators’ efforts to provide accurate and
21 inclusive education. This distortion appears in the messaging of the Inland Empire Family PAC,
22 which backed the campaigns of Board members Joseph Komrosky, Jennifer Wiersma, and
23 Danny Gonzalez. The PAC’s website describes “The Problem in Schools” as “Growing

25 ² John Rogers & Joseph Kahne, *Educating for a Diverse Democracy: The Chilling Role*
26 *of Political Conflict in Blue, Purple, and Red Communities* (2022),
27 [https://idea.gseis.ucla.edu/publications/educating-for-a-diverse-](https://idea.gseis.ucla.edu/publications/educating-for-a-diverse-democracy/publications/files/diverse-democracy-report)
democracy/publications/files/diverse-democracy-report.

28 ³ Cal. Sch. Dashboard, *Temecula Valley Unified*, [https://www.caschooldashboard.org/](https://www.caschooldashboard.org/reports/33751920000000/2022)
reports/33751920000000/2022 (last visited Oct. 20, 2023); Nat’l Ctr. Educ. Statistics, *Digest of*
Education Statistics (2006), https://nces.ed.gov/programs/digest/d06/tables/dt06_087.asp.

1 Indoctrination,” “Critical Race Theory,” “State Mandates,” “Transgenderism Encouraged,”
2 “Forced LGBTQ+ Acceptance,” and “Perverted Sexual Training.” This language exemplifies
3 the phenomenon described in our report of activists merging opposition to inclusive education
4 with rage over masking, vaccination, and LGBTQ+ rights and identities.

5 9. Self-appointed “experts” likewise spread caricatures of accurate and inclusive
6 education in order to justify the wholesale exclusion of discussions about race and inequality—
7 and particularly the full scope of racism in our nation—from public school classrooms.
8 Christopher Arend, a consultant to the Temecula Board who drafted the language in Resolution
9 21, is one such actor. Despite having no academic training on the subject, Arend presents
10 himself as an “expert” on “Critical Race Theory.” In 2020, Arend published an essay denying
11 the existence of systemic racism in the inflammatory language characteristic of conflict
12 campaigns.⁴ Members of the Board have imported Arend’s bigoted rhetoric into Temecula,
13 paying him \$15,000 in public funds to give “trainings” to District staff.

14 10. Resolution 21 targets an imagined “Critical Race Theory”—a caricatured catch-
15 all term far removed from the actual body of scholarship on race-based discrimination in U.S.
16 history, law, and society. In prohibiting teaching about “Critical Race Theory or other similar
17 frameworks”—without specifying the meaning of “similar frameworks”—Resolution 21 chills
18 educators’ efforts to promote antiracism and equity, to provide culturally responsive instruction,
19 and to accurately explore U.S. history with their students.

20 11. The chilling effect described in plaintiff teachers’ declarations is entirely
21 consistent with my and my co-authors’ findings in both the *Conflict Campaign* and *Educating*
22 *for a Diverse Democracy*. Teachers in states and/or school districts with passed or pending
23 curriculum bans experience conflict campaigns as an “attack” on “what is taught” and
24 characterize their colleagues as “terrified, confused and/or demoralized.” One teacher recounted
25 the stymying of the very “ability to teach” critical thinking and “actual history.”

26
27
28 ⁴ Christopher Arend, *The myth of ‘systemic racism’*, Cal Coast News (Sept. 2, 2020),
<https://calcoastnews.com/2020/09/the-myth-of-systemic-racism/>.

1 12. Similarly, the uncertainty, fear, and stress reported by plaintiff teachers mirrors
 2 survey responses from educators who expressed deep anxiety and confusion over threats to a
 3 broad swath of classroom learning concepts. Multiple teachers described the deleterious impact
 4 of localized conflict campaigns on their and their colleagues’ mental and emotional health. In
 5 these newly hostile school environments, teachers and their colleagues are remaining silent on
 6 an array of issues that they would otherwise teach, on topics as broad as “race” and “race and
 7 gender.” A principal in a school experiencing such attacks told my research team that his
 8 teachers now fearfully ask: “. . . if I talk about the Civil Rights Movement and Jim Crow, am I
 9 going to be accused of telling White people they are bad?”⁵ Unsure of which topics will be
 10 deemed permissible, many are erring on the side of caution, “choosing to avoid” “controversial”
 11 topics or even discontinuing “culturally responsive teaching.” This survey data accords with
 12 plaintiff teachers’ descriptions of how Resolution 21 is driving them and their colleagues to
 13 steer clear of a wide range of concepts related to race, gender, sexual orientation, and equity. As
 14 described further below, years of student learning about key issues in U.S. society hang in the
 15 balance.

16 13. As Faculty Director of Center X that houses UCLA’s Teacher Education
 17 Program—created in the wake of race-related uprisings in Los Angeles to bridge the city’s
 18 racial, political, and economic divides—I have worked with colleagues to train generations of
 19 young teachers committed to creating a more just and equitable society through public
 20 education. Our program has worked to provide young teachers with the technical, collegial, and
 21 political support necessary to make teaching a sustainable, fulfilling career. Instead, ideological
 22 policies like Resolution 21 render the classroom a stressful, hostile environment and threaten
 23 schools’ ability to retain the committed, high-quality teachers that students, particularly students
 24 in under-resourced schools, desperately need.

25 **Resolution 21’s Restrictions on Student Learning**

26 14. U.S. public schools are tasked with the critical role of preparing all youth to take
 27 part in our diverse democracy—one in which people from different communities and with
 28

⁵ *Educating for a Diverse Democracy* at 3.

1 different political beliefs, interests, identities, and ways of thinking come together to address
2 common problems and build a shared future. Students need to accurately understand U.S.
3 history and society, learn about the rich diversity of their communities and nation, and practice
4 engaging with one another across difference. U.S. public schools are intended to support
5 students' evidence-based inquiry, accurate treatments of fact, and deliberation—all cornerstones
6 of democratic life.

7 15. Resolution 21 blocks much, if not all, of such learning in Temecula public
8 schools, and it creates a chilling environment in which educators will be afraid to introduce
9 important topics in classroom lessons. Within the hostile climate that Resolution 21 has created,
10 teachers may limit discussion of topics even beyond those that are explicitly prohibited. A
11 survey of teachers nationwide found that while 25 percent of teachers were directed to limit
12 discussion of political and social issues, 64 percent decided on their own to limit discussion of
13 such topics, with the vast majority citing lack of district support or guidance.⁶ Resolution 21's
14 broad provisions deprive Temecula students of accurate information about race, gender, and
15 sexual orientation, as well as discrimination based on those characteristics, in U.S. history and
16 society. It restricts students—with support from their teachers—from learning about and
17 grappling with difficult historical facts, current events, complex opportunity barriers, real
18 biases, marginalized communities' voices, and possible collective improvements in their shared
19 schools and nation.

20 16. These topics—about which students themselves often express the desire to
21 learn—are essential to all students' development as democratic participants. They are also
22 required under California's academic standards. If Resolution 21 is allowed to stand, access to
23 this information will turn on the fortuity of district assignment—whether a student lives just
24 inside the district's boundaries or on the next street over—and Temecula students will be left
25 behind the majority of their peers in the State. Their incomplete understanding of U.S. history
26 and society will place them at a significant disadvantage in college courses—particularly in the
27

28 ⁶ Doan, S., Steiner, E.D., & Woo, A. (2023). *State of the American Teacher Survey* 30-31. RAND Corporation. file:///C:/Users/yli/Downloads/RAND_RRA1108-7.pdf

1 University of California and California State University systems, where racial and gender
2 literacies are often prerequisites to meaningful classroom engagement.

3 17. The conflict between California’s academic standards and Resolution 21 is
4 starkly illustrated by the requirement that all California high schools offer an ethnic studies
5 course by the 2025–26 academic year. (Beginning with the graduating class of 2030, successful
6 completion of a semester-long course in ethnic studies will be required to earn a California high
7 school diploma.) Resolution 21’s restriction of nuanced discussions about race and racism
8 conflicts with this statewide directive to devote an entire course to that history and analysis. It is
9 striking that, while the rest of California grapples with *how* to educate students for participation
10 in a diverse democracy, Temecula continues to focus on *whether* students should receive such
11 instruction at all.

12 18. As the student plaintiffs’ declarations demonstrate, Resolution 21’s denial of
13 their right to learn is even now harming their education and wellbeing. Temecula educators are
14 being deterred from providing inclusive and accurate curriculum that introduces students to the
15 full range of community experiences in our society. And as the National Council of Social
16 Studies sets out in their standards, without “[a]n honest and accurate examination and
17 evaluation of history,” students cannot “understand the present or fully engage civically to
18 make the country a better place.”⁷ Honest, factual explorations of U.S. history—“warts and all,”
19 in the words of one educator—lay the foundation for students of all backgrounds to fully
20 participate in a democratic society.

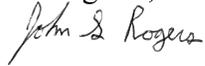
21 19. Students with marginalized identities are particularly injured by Resolution 21’s
22 curtailment of inclusive curriculum. For example, LGBTQ+ issues are becoming more and
23 more prevalent in political attacks on schools. My survey of school leaders for *Educating a*
24 *Diverse Democracy* revealed sizable growth in the harassment of LGBTQ+ students—including

26 ⁷ National Council for the Social Studies. (2023). A Statement on the African American
27 History Strand of the new Florida Social Studies Standards. (Accessed Oct. 25, 2023),
28 <https://www.socialstudies.org/current-events-response/ncss-statement-african-american-history-strand-new-florida-social-studies#:~:text=For%20example%2C%20the%20inclusion%20of,failure%20to%20teach%20Black%20Joy>

1 classmates’ demeaning, homophobic, and transphobic remarks—between 2018 and 2022. The
2 exclusion of LGBTQ+ history and narratives from curriculum, coupled with school officials’
3 anti-LGBTQ+ rhetoric, exacerbates these harms.

4 I declare under penalty of perjury of the law of the State of California that the foregoing
5 is true and correct.

6 Executed this November 9, 2023 in Los Angeles, California.

7 

8 _____
9 John Rogers, Ph.D.
10 *Declarant*

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28