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

12 MAE M., through her guardian ad litem
13 Anthony M., SUSAN C., through her
14 guardian ad litem Sabrina C., GWEN S.,
15 through their guardian ad litem Ramona S.,
16 CARSON L., through his guardian ad litem
17 Nancy L., DAVID P., through his guardian
18 ad litem RACHEL P., VIOLET B., through
19 her guardian ad litem INEZ B., STELLA B.,
20 through her guardian ad litem INEZ B.,
21 TEMECULA VALLEY EDUCATORS
22 ASSOCIATION, AMY EYCHISON,
23 KATRINA MILES, JENNIFER SCHARF,
24 and DAWN SIBBY,

Plaintiffs,

v.

21 JOSEPH KOMROSKY, JENNIFER
22 WIERSMA, DANNY GONZALEZ,
23 ALLISON BARCLAY, and STEVEN
24 SCHWARTZ, in their official capacities as
25 members of TEMECULA VALLEY
26 UNIFIED SCHOOL DISTRICT BOARD OF
27 TRUSTEES, TEMECULA VALLEY
28 UNIFIED SCHOOL DISTRICT, and DOES
1 – 100,

Defendants.

Case No.: CVSW2306224

**DECLARATION OF UMA
JAYAKUMAR, Ph.D. AS EXPERT
WITNESS**

Judge: Honorable Irma Poole Asberry

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DECLARATION OF UMA JAYAKUMAR, PH.D.

I, Uma Jayakumar, declare and state as follows:

1. I have personal knowledge of the facts in this declaration. If called upon to testify, I could and would testify competently to the following facts.

Background

2. I am an Associate Professor in the Graduate School of Education at the University of California, Riverside. My scholarship focuses on racial justice in education, with a focus on how institutional environments and racial representation shape educational access and outcomes. I received my Ph.D. and M.A. in Higher Education and Organizational Change and my B.A. in Psychology from the University of California, Los Angeles.

3. I received the 2023 Outstanding Journal of Teacher Education Article Award for *Toward a Healthy Racial Climate: Systemically Centering the Well-being of Teacher Candidates of Color*. In the article, I outline a roadmap to help teacher education programs ameliorate the impact of structural racism and better recruit and retain teachers of color. I also received the 2021 Henry T. Trueba Award from the American Educational Research Association, the largest association of educational researchers in the world, for my work shaping policy discussions around racial justice issues such as affirmative action and campus climate.

4. My co-author Rita Kohli and I analyzed surveys of nearly 200 K-12 and college-level educators about how curriculum bans like Resolution 21 have affected them.¹ We found that these bans overwhelmingly had a negative impact on school climate and contributed to teacher attrition, especially among educators committed to equity and inclusion. While proponents of these bans claim to be protecting students, I have recently synthesized research demonstrating that psychological discomfort is a developmentally appropriate part of learning

¹ Jayakumar, U.M. & Kohli, R. (2023). Silenced and pushed out: The harms of CRT-bans on K-12 Teachers. *Thresholds*, 45 (1), 96-113.

1 about race and racism that enables students of all backgrounds to grow their cross-racial
2 understanding.²

3 5. I have also examined the role of affinity group, or spaces for connection between
4 peers belonging to the same identity group in reducing barriers to educational success and
5 promoting students' sense of belonging.³ Based on this work, I was asked to provide expert
6 testimony in *Students for Fair Admissions v. University of North Carolina*, which Justice Sonia
7 Sotomayor cited in her dissenting opinion to emphasize that affinity groups “decreas[e] racial
8 stigma and vulnerability to stereotypes.”⁴

9 6. My CV is attached as Exhibit [A].

10 **The Impact of Curriculum Censorship**

11 7. No pedagogically sound purpose underlies Resolution 21. Instead, the
12 Resolution exacerbates teacher stress and stymies students' efforts to build community in
13 hostile learning environments.

14 8. In 2022, my colleagues and I analyzed surveys from 185 educators, ranging from
15 pre-K teachers to college instructors, about the impacts of curriculum censorship. Of the 117 K-
16 12 teachers surveyed, the vast majority (79%) characterized the bans as harmful to education
17 and society. K-12 teachers subject to these bans recognize them as a “bad-faith culture war”
18 issue, responding to a “make-believe problem” created by politicians to scare teachers away
19 from discussing issues of race and racism.⁵

20 9. Resolution 21 compounds the stress experienced by teachers navigating an
21 underfunded and increasingly fraught profession. Already facing unprecedented challenges
22

23 ² Jayakumar, U.M. (2022). Combatting the Myth of “Psychological Distress” in Anti-
24 Critical Race Theory Legislation, Student Experience Research Network.
25 [https://studentexperiencenetwork.org/research_library/combattling-the-myth-of-psychological-](https://studentexperiencenetwork.org/research_library/combattling-the-myth-of-psychological-distress-in-anti-critical-race-theory-legislation/)
[distress-in-anti-critical-race-theory-legislation/](https://studentexperiencenetwork.org/research_library/combattling-the-myth-of-psychological-distress-in-anti-critical-race-theory-legislation/)

26 ³ Jayakumar, U.M. (2015). Why are all the black students still sitting together in the
27 proverbial college cafeteria? A look at research informing the figurative question being taken
by the Supreme Court in *Fisher*. Los Angeles: Higher Education Research Institute.

28 ⁴ *Students for Fair Admission, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S.
181, 373 (2023) (Sotomayor, J., dissenting).

⁵ Jayakumar, *Silenced and pushed out*, at 102-104.

1 following the COVID-19 pandemic, teachers now risk discipline or dismissal if they run afoul
 2 of vague policies. Teachers experience these bans as “politicians attempt[ing] to micromanage
 3 educators at all levels of K-12 education,”⁶ and report higher levels of burnout than their peers
 4 not subject to curriculum censorship.⁷ Consistent with our research, teachers in the Temecula
 5 Valley Unified School District report anxiety for their students, their colleagues, and
 6 themselves.

7 10. As our study revealed, curricular restrictions like Resolution 21 hinder schools’
 8 ability to attract and retain highly qualified teachers. The majority of teachers surveyed (54%)
 9 reported that they would not consider a job in a state that had enacted, or that attempts to pass,
 10 such a ban. Based on my research, I would expect that this effect to be even greater in the case
 11 of a district-level ban like Resolution 21, where teachers can more easily find alternative
 12 employment in nearby districts.

13 11. As teachers recognize, Resolution 21 harms all students by creating a “race-
 14 evasive” learning environment that limits educators’ capacity to openly discuss race-based
 15 violence and discrimination. For years, educational research has demonstrated that schools can
 16 better engage students of color when providing a culturally responsive learning environment
 17 and curriculum that enables students to make sense of their world.⁸ Rather than allow teachers
 18 to build a welcoming school environment for students of color, Resolution 21 forces them to
 19 ignore subjects that speak to students’ everyday experiences.

20 12. In particular, Resolution 21 hinders students’ efforts to build relationships that
 21 facilitate their wellbeing and success at school. I have studied the importance of student affinity
 22 groups in providing emotional support and reducing racial stress.⁹ These communities foster a
 23 sense of belonging, promote academic engagement, and enable meaningful cross-cultural
 24

25 ⁶ *Id.* at 102.

26 ⁷ *Id.* at 105. Teachers were assessed on a burnout scale, where they were asked to rate
 27 their agreement with statements like *My job doesn’t excite me anymore*, and *I am weary with all*
 28 *my job responsibilities.* *Id.* at 101.

⁸ *See, e.g.,* Ladson-Billings, G. (2021). *Culturally relevant pedagogy: Asking a different*
question. Teachers College Press.

⁹ Jayakumar, Why are all the black students still sitting together.

1 interactions. Yet Resolution 21 and the Temecula Board’s other policies prevent students from
2 being able to create a safe space at school. They have forced Mae M., a leader of her school’s
3 Black Student Union, to spend her time and energy trying to mitigate the “devastating
4 aftermath” of the Resolution for students of color, only to be subjected to harassment and
5 threats from the Resolution’s supporters.¹⁰ And the Board’s anti-LGBTQ+ policies have made
6 it difficult, if not impossible, for students with these identities to build such a community or
7 receive support from their teachers at all.¹¹

8 13. Although Resolution 21 purports to protect white students, being shielded from
9 the reality of our country’s racial history in fact harms all students, undermining the learning
10 conditions that facilitate cross-cultural engagement, dialogue, and developmental growth. All
11 students benefit from building racial literacy, *i.e.*, the capacity to identify and challenge both
12 interpersonal and structural racism. As I have documented, obstructing this learning actually
13 leads to greater racial divisions, increased anxieties and racial isolation, and diminished
14 participation, development, and growth for *all* students.¹² And it leaves students ill-prepared to
15 enter this country’s diverse workforce, which requires employees to have cross-cultural
16 competencies like the ability to consider others’ perspectives and collaborate effectively with
17 colleagues from a wide range of backgrounds.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed on November 14, 2023.

21 *Uma M Jayakumar*

22 Uma Jayakumar, Ph.D.

23 *Declarant*

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28 ¹⁰ Declaration of Mae M., at 1-2.

¹¹ Declaration of Gwen S., at 2.

¹² Jayakumar, *Combatting the Myth*, at 2.