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**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 PLAINTIFF AMY
EYTCHISON**

Judge: Honorable Irma Poole Asberry

Dept.: 5

DECLARATION OF AMY EYTCHISON

I, Amy Eytchison, 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.

2. I am a fourth grade teacher at Temecula Elementary School, where I have taught for the past 20 years. Temecula Elementary School is part of the Temecula Valley Unified School District. I received my Master’s Degree in Teaching from Grand Canyon University and my Multiple Subject and Special Education credentials from California State University, San Marcos.

3. I have 26 years of professional teaching experience in public education. Over the course of my career, I have had the privilege of teaching over 600 students in TVUSD. My teaching has spanned from kindergarten through fourth grade.

4. I am an active member of the Temecula Valley Educators Association, the teachers’ union for TVUSD. For ten years and counting, I have served and continue to serve in the union’s leadership as Secretary. I have been honored by TVEA with the We Honor Ours Award, Super Site Leader Award, and Advocacy Award for my leadership, service, and commitment to improving working and learning conditions and public education overall, in order for students to receive the education they deserve.

5. I constantly witness the reality that racial inequality affects my students’ lives. Temecula Elementary has an incredibly diverse student population, with over 82 percent of students identifying as multiracial or as people of color. The diversity is an asset to the vibrancy of the school.

6. Resolution 21 and Policy 5020.01 have had an enormous negative impact on my teaching and my classroom.

7. The Resolution constrains my ability to teach California’s academic content standards. Fourth grade students are expected to study State history to learn, for example, about how labor during the mission period harmed Native American communities, how controversies over the expansion of slavery impacted California’s bid for statehood, and how hostility toward Chinese and Japanese laborers led to anti-Asian exclusion movements. The Resolution offers little

1 guidance on how to approach these topics, which are explicit historical instances of race-based
2 discrimination, or how to address their lingering repercussions.

3 8. It is unclear to me how to facilitate discussions with integrity about these topics
4 without acknowledging, as Resolution 21 prohibits, that individuals were members of an oppressed
5 group by virtue of their race. For instance, if I explain to my students how nativists used racial
6 stereotypes to justify Asian exclusion, I don't know if such an explanation would be considered
7 teaching that "the dominant society racializes different minority groups at different times, in
8 response to different needs such as the labor market." I also don't know what would be a
9 permissible response when my students ask, as they always do, "How and why did slavery
10 happen?" I primarily fear that my responses and language could be mistaken to imply that "an
11 individual should feel discomfort, guilt, anguish or any other form of psychological distress on
12 account of his or her race," and I do not want to face professional consequences for such a
13 misunderstanding.

14 9. I attended Christopher Arend's "training" for TVUSD teachers on Resolution 21,
15 which was held in March 2023. The "training" did not provide any clarity on the Resolution's
16 restrictions. Instead, Arend subjected me and other teachers to his anti-Black statements and views.
17 During his presentation, he belittled Black victims of police brutality by saying "play stupid games,
18 win stupid prizes." His comments were so offensive that a Black staff member left the room in
19 tears.

20 10. The Board has now approved an additional policy on teaching controversial issues
21 that provides yet another layer of uncertainty and complexity to my job. It adds new steps that I
22 must take any time a controversial topic comes up in class, but to the best of my knowledge, most
23 topics could fall within the proposed definition of controversial issues.

24 11. Due to the uncertainties regarding what is and is not permissible to discuss, I have
25 experienced anxiety in the classroom.

26 12. To avoid repercussions and being in potential violation of the Resolution, I and my
27 fellow teachers have had to self-censor while teaching. In practice, this means we must water down
28

1 or completely avoid certain topics, lest a student take offense and decide to report us. For example,
2 I skipped over a math problem in our supplement because the prompt included two dads.

3 13. Prior to the Resolution, I could speak openly with my students about competing
4 interpretations of historical events and their current impacts, but now I am inclined to avoid such
5 conversations.

6 14. I am aware that supporters of the Resolution are intimidating teachers in the
7 District by collecting and searching through teachers' emails via public records requests. These
8 actions have only increased the feeling of being constantly surveilled in the classroom.

9 15. My fourth grade students are bright, inquisitive, thoughtful, motivated, and
10 intelligent individuals. They embrace difficult discussions and are unafraid to ask hard questions.
11 They want honest answers and conversations and are perceptive in knowing when I am being
12 authentic with them.

13 16. The Resolution compromises the trust that undergirds my diverse classroom and
14 my relationships with my students. It prevents me from having open conversations with my
15 students, which are foundational to building strong and trusting relationships.

16 17. Based on my experience, students are capable of having and, in fact, do have
17 discussions about their experiences, current events, and more. The Resolution hinders my students'
18 ability to think for themselves and come to their own conclusions following thoughtful and candid
19 discussions.

20 18. The Resolution fundamentally misunderstands how students react when they learn
21 about difficult historical facts such as slavery, racial segregation, and anti-immigrant legislation.
22 Based on my 26 years of teaching in elementary classrooms, students overwhelmingly feel empathy,
23 as opposed to guilt. My students typically feel sad for the people who have suffered injustice.
24 Consequently, they express motivation to be part of the change that will help redress the wrongs of
25 the past and usher in more justice in the future.

26 19. Because the Board rejected a proposed elementary history-social sciences
27 curriculum on May 16, 2023, and did not adopt the curriculum until two months later on July 21,
28 2023 (after the Governor threatened to fine the District), I did not have time to prepare a lesson

1 plan for the upcoming school year. In the past, I would have had many months to prepare. But
2 Temecula Elementary School teachers canceled a lesson-planning day in the Spring after the Board
3 did not approve the curriculum as we expected. I joined teachers in protesting the Board’s decision
4 and calling for an approved curriculum.

5 20. To accommodate this unprecedented delay, I—alongside my fellow fourth grade
6 teachers at Temecula Elementary—initially elected to delay teaching social science until January
7 2024. Now that we finally have the curriculum, I have had to wait more than two months into the
8 school year to start teaching social science.

9 21. The Board has pushed Lesson 12, which covers California’s cultural contributions,
10 to the end of the fourth-grade social science curriculum. At the Board’s direction, the District
11 formed a committee of fourth-grade teachers (including myself) from nearly every District
12 elementary school. We were tasked with reviewing Lesson 12 and recommending alternate
13 curriculum that the Board does not consider “sexualized.” Teachers on the committee expressed
14 concerns about the vagueness of whether and how concepts could be discussed under the
15 Resolution and fears of being disciplined based on topics raised by students in class. We reviewed
16 supplemental curricular materials addressing the LGBTQ rights movement, including a section
17 called “Civil Rights in California” (attached to this declaration as Exhibit B), which students may
18 only access if assigned by their teacher, and an online biography of Harvey Milk (attached to this
19 declaration as Exhibit C).

20 22. After reviewing “Civil Rights in California,” the committee determined that nothing
21 in the section is inappropriate. It further determined that the section is appropriately aligned with
22 California’s History-Social Science Framework.

23 23. After reading the Harvey Milk biography, the committee determined that it was not
24 sexualized content, and further concluded that Harvey Milk made significant, positive cultural
25 contributions to the development of California.

26 24. The committee recommended that, to ensure full compliance with the FAIR Act,
27 fourth-grade teachers in the District should teach Lesson 12 including the supplemental materials.
28

1 As a less-preferred option, the committee recommended teaching Lesson 12 along with the
2 biography of Tim Cook, the CEO of Apple and a prominent gay businessperson.

3 25. To my knowledge, the Board has not responded to the committee's
4 recommendations, and specifically, has not approved teaching either the "Civil Rights in
5 California" section or Harvey Milk biography.

6 26. Beyond the Board's censorship, the coercive outing policy is also keeping me from
7 providing a safe and supportive learning environment for all of my students, including those who
8 identify as LGBTQ. Multiple students have come out to me during my time in TVUSD because of
9 the trust I have built in my classroom. I was saddened and frightened when, after the Board passed
10 the Policy, a student approached me and expressed support for LGBTQ individuals. Whereas in
11 the past I would have thanked the student for sharing, I immediately froze and thought: "What do
12 I say?" Fortunately, the student moved on to other topics. But the whole incident terrified me,
13 making me worried about how a single conversation could affect my classroom, my relationship
14 with students, and even my job.

15 27. The anti-transgender bullying in my classroom worries me the most. Recently, girls
16 in my class wore clothes that were more masculine presenting. Students taunted them by repeatedly
17 calling them "transgendered" as a way to disparage them. This has never happened in my
18 classroom before, and I fear that the bullying will continue and become even worse. The climate in
19 Temecula is fostering an environment of hate that is hurting my students.

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

22 Executed on November 28, 2023.

23 *Amy Eytchison*

24 _____
25 Amy Eytchison
26 *Declarant*

EXHIBIT A

FIRST LEGAL DEPOSITIONS

Job #89186: Mae M. v. Komrosky

[JUL-21-2023 7-30 PM SPECIAL MEETING TVUSD
GOVERNING BOARD; 2:59:09 TO 3:00:17]

DR. JOSEPH KOMROSKY: I'm gonna read off this motion then. I call for a motion and a second to approve the "Social Studies Alive," as elementary social/science curriculum for grades one through five. The interim superintendent is directed to implement this new curriculum by placing unit 12 of the fourth-grade materials at the end of the scope and sequence of the 2023-24 instructional year. The interim superintendent is further directed to work with the curriculum design team to review unit 12 of the fourth-grade materials and recommend substituted age-appropriate curriculum that meets all state and federal standards, including the Fair Act. But this is also consistent with the Board's commitment to exclude sexualized topics of instruction from the elementary school grade levels. Do I have a motion and a second?

STEVEN SCHWARTZ: Yeah. I just want to make sure we included the supplementary materials in our motion, which I made before.

DR. JOSEPH KOMROSKY: No, that goes without

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saying. That's why I have Mr. Huff [phonetic].
The supplemental materials are in there. The
only thing being pulled is unit 12 fourth grade.

STEVEN SCHWARTZ: Second.

DR. JOSEPH KOMROSKY: Okay, second.

[Applause]

DR. JOSEPH KOMROSKY: So I made the motion,
Short seconded it. All in favor, say "aye."

UNISON: Aye.

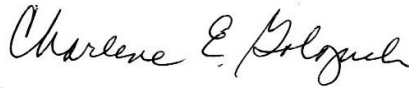
[Applause]

[END RECORDING]

C E R T I F I C A T E

I, Charlene Golojuch certify that the foregoing transcript of First Legal Deposition, Job #89186: Mae M. v. Komrosky, JUL-21-2023 7-30 PM, Special Meeting TVUSD Governing Board, was prepared using standard electronic transcription equipment and is a true and accurate record to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature: _____



Date _____

August 8, 2023

First Legal Depositions

Address: 1517 Beverly Boulevard, Los Angeles, CA 90026

Phone: 855.348.4997

EXHIBIT B

Civil Rights in California

By now you have read about many of California's contributions to American culture. These contributions include movies, video games, art, architecture, and many other things. California is known for being a state that makes important contributions to civil rights, too. Many decisions about education, marriage, and equality were made in California. How have some of these decisions made a difference in American culture?

Court Decisions

In this lesson, you learned about how schools used to be segregated. Segregation is the separation of people by race or background. Students who were Mexican, black, or from different parts of Asia were forced to go to different schools.

Many students had parents who were very unhappy about this. One of these students was Sylvia Mendez. Her father, Gonzalo Mendez, took the schools in Los Angeles to court. In 1947, a California court heard their argument. This case is known as *Mendez v. Westminster School Dist.* The judge in this case found that segregation “disregard[s] rights secured by” the Constitution. But that case did not cover children of all backgrounds.

However, the governor of California, Earl Warren, agreed that segregation was wrong. He signed a bill that ended segregation in public schools. Seven years later, lawyers used the arguments in *Mendez v. Westminster School Dist.* to end segregation in all public schools in the country. The case that ended segregation in all public schools was called *Brown v. Board of Education*.

Court decisions have also impacted civil rights in other ways. For many years, it was illegal for gay couples to marry in the state of California. In 2008, voters in California decided to limit marriage to be between a man and a woman. Many gay couples were unable to marry. A group of people decided to take their case to court. They argued that not allowing gay couples to marry was a violation of their civil rights. California courts agreed. This case, *Hollingsworth v. Perry*, legalized marriage equality in the state of California.

While marriage was legal for everyone in California and some other states, it was not for everyone in the United States. Two years after *Hollingsworth v. Perry*, the Supreme Court heard a case called *Obergefell v. Hodges*. The court decided that it was a violation of civil rights to only give some people in the country the right to marry. Now, everyone in the United States can marry.



Here, people in Sacramento are advocating for gay rights.

Protests

Many Americans practice peaceful protest as a way to create change. Peaceful protests have played an important role in the fight for civil rights. You may be familiar with how Dr. Martin Luther King Jr. used peaceful protest during the civil rights movement. This movement inspired many people to do the same.

In California, students at universities often used peaceful protest as a way to bring attention to important issues. One of these issues was the recognition of Asian Americans' contributions to U.S. culture. Many Asian Americans had fought in wars for the United States. They had also helped to build railroads and cities. Yet, they were still treated unfairly. Students at UC Berkeley and San Francisco State University demanded they be recognized. As a result of these protests, universities created Ethnic Studies programs. These programs provided students with more history and culture.

Another instance of peaceful protest happened on Alcatraz Island in the 1960s. The island had been used as a prison for a long time. However, they closed the prison in 1964. In 1969, a group of American Indians moved onto the island. They claimed the land for their own use.

Before Europeans arrived in America, native tribes had used the island. Now, American Indians from many different tribes wanted to take the island back. The government was upset but listened to the demands of the tribes. The tribes wanted use of the island. They also wanted to build a college and a museum. The government refused to give the tribe what they wanted. After two years, the protests ended.

The American Indians that occupied Alcatraz did not get what they asked for. But President Nixon did give them something else. American Indians received 48 acres of land in California. They also received jobs in the U.S. government.

Peaceful protests do not only happen with groups of people for a short period of time. Some groups organize to help people fight for their rights. Some of these groups need to fight for a long time. An example of these groups would be gay rights groups.

In the 1950s, gay men and women did not have many people to speak for them. Some of the nation's first gay rights organizations were formed in California such as the Daughters of Bilitis, the first lesbian civil rights organization in the United States, which was founded in 1955 in San Francisco by two lesbians, Del Martin and Phyllis Lyon. Until the 1970s, many gay people were barred from working in some places. Gay rights groups successfully defeated a ballot initiative that would have banned gay men and women from being schoolteachers. Organizations formed to speak for them. Over time, groups like the Gay Liberation Front and the Human Rights Campaign fought for the civil rights of gay people. Groups like these were able to organize protests and hire lawyers to help gay people get their civil rights.

EXHIBIT C

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Hide Reading



Image Credit: Shutterstock

Harvey Milk was born in Woodmere, New York, in 1930. Harvey came from a small, middle-class, Jewish family. His father had immigrated to the United States from Lithuania. As a boy, Harvey loved sports and opera, and he became known as the “class clown” of his high school.

Harvey finished college in 1951. After college he joined the Navy. Harvey served on a submarine during the Korean War. He left the Navy in 1955. After he resigned from the Navy, Harvey lived in New York City. He had many different jobs. Harvey first worked as a public school teacher. Then, he worked on Wall Street. Harvey also worked backstage for Broadway musicals.

In the 1960s and 1970s, many gay people like Harvey moved to San Francisco, California. There was a large LGBT community in the neighborhood around Castro Street. This area is known as the Castro. Harvey himself moved to San Francisco in 1972. He ran a camera store on Castro Street. Harvey’s sense of humor made him very popular with shoppers and local residents.

Harvey noticed that gay people faced many challenges in San Francisco. The LGBT community at the time often clashed with the police department. Venues that LGBT people went to were sometimes targeted by police. Once a group of business owners even tried to keep two gay men from opening a store. Harvey started the Castro Village Association to help gay business owners. In 1974, Harvey organized the Castro Street Fair. The Castro Street Fair was very successful. It helped many gay-owned businesses.

Harvey ran for city supervisor of San Francisco in 1973 and in 1975. During his campaign, Harvey said, “All human beings have power. You are just one person, but you have power. That makes power so significant.” Even though he lost the elections, Harvey became more and more popular. He was nicknamed “the Mayor of Castro Street.”

In 1977, Harvey was finally elected to the San Francisco Board of Supervisors. He was the first openly gay man to win an election in San Francisco’s history. Harvey was also one of the first gay elected officials in the entire United States.

As a member of the Board of Supervisors, Harvey helped pass laws that protected gay rights. Harvey also asked the police department to hire more gay police officers. In addition, he wanted to create more affordable housing in the city. And he improved the Castro’s library system.

On November 27th, 1978, Harvey Milk and the mayor of San Francisco were both assassinated. That night, after the news had broken, thousands of people marched from Castro Street to City Hall to mourn Harvey. They walked in silence, holding candles. In 2009, President Obama awarded Harvey Milk the Medal of Freedom.