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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 RITA KOHLI,  
Ph.D. AND MARCOS PIZARRO, Ph.D.  
AS EXPERT WITNESSES**

Judge: Honorable Irma Poole Asberry

Dept.: 5



1 *Marcos Pizarro*

2 6. I am the Associate Dean of the Lurie College of Education at San José State  
3 University (SJSU). I have taught Chicana and Chicano Studies at SJSU since 1999. I was  
4 previously a sixth-grade teacher in Inglewood, California.

5 7. I received my Ph.D. in Education from the University of California, Los  
6 Angeles. I have a B.A. in Urban Studies from Stanford University.

7 8. I am one of the founding developers of SJSU's Chicax/Latinx Student Success  
8 Center, also known as Centro. Centro offers innovative programming and support services  
9 designed to enhance Latinx student success. It has become a transformative model for  
10 Chicax/Latinx student engagement that has increased Latinx students' sense of belonging and  
11 academic achievement. I am also the coordinator of MAESTRXS, a social justice organization  
12 that develops and implements transformative education models in Latinx communities.

13 9. I authored the book *Chicanos and Chicanas in School*, published by University  
14 of Texas Press, which explores the relationship between Chicax students' identities and  
15 academic performance and presents a model for enhancing Chicax student success. I have also  
16 published multiple peer-reviewed journal articles and book chapters on Chicax Studies,  
17 Chicax student identity and empowerment, and the professional development and well-being  
18 of teachers of Color.

19 10. In addition to my scholarly work, I collaborate with schools on the development  
20 and implementation of Latinx Studies curricula to enhance Latinx student engagement. As part  
21 of my role as Associate Dean of the College of Education, I co-coordinate our Ethnic Studies  
22 Residency Program, which prepares future social studies teachers to teach courses that will  
23 fulfill the upcoming Ethnic Studies curriculum requirement in California high schools.

24 11. A copy of my curriculum vitae is attached as Exhibit B.

25 **Declarations**

26 12. We have co-authored multiple articles exploring the role of teachers of Color  
27 and racism in K-12 schools, including "The Layered Toll of Racism on Teacher Educators of  
28 Color" (2022), "I Stopped Sleeping: Teachers of Color and the Impact of Racial Battle

1 Fatigue” (2018), and “The ‘New Racism’ of K-12 Schools: Centering Critical Research on  
2 Racism” (2017).

3 13. We are the co-founders of the Institute for Teachers of Color Committed to  
4 Racial Justice, a professional development fellowship that supports the wellbeing and cultivates  
5 the leadership capacities of teachers of Color.

6 14. We prepared this declaration together based on our research and writings and  
7 that of others, our experience and knowledge, and our review and analysis of Resolution 21 and  
8 case materials including the Complaint and the declarations of student and teacher plaintiffs.

9 **Resolution 21 Conflicts with State Teaching and Academic Standards**

10 15. California’s expectations for teacher preparation and performance are set out in  
11 the California Standards for the Teaching Profession (the “Standards”) and detailed in the  
12 State’s Teaching Performance Expectations (TPEs).<sup>1</sup> Directly aligned with the Standards, the  
13 TPEs list the knowledge, skills, and abilities beginning teachers must master to receive a  
14 preliminary teaching credential in California. They are evidence-based, linked to California’s  
15 academic content standards, and designed to provide safe and inclusive learning environments  
16 so that all students have the opportunity to excel and thrive.

17 16. The TPEs, along with the California Standards for the Teaching Profession,  
18 recognize that California students have diverse identities based on “ethnicity, race,  
19 socioeconomic status, gender, gender identity, sexual orientation, language, religion, and/or  
20 geographic origin.”<sup>2</sup> The TPEs “provide effective instruction and assessment for all students,”  
21 and underscore that the phrase “all students” “is intended as a widely inclusive term.”<sup>3</sup>

22 17. Resolution 21 is directly at odds with multiple TPEs, subjecting Temecula’s  
23 teachers to requirements that are out of compliance with state standards. For example, TPE 2,  
24 “Creating and Maintaining Effective Environments for Student Learning,” requires teachers to  
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26 <sup>1</sup> California Commission on Teaching Credentialing. (June 2016). *California Teaching*  
27 *Performance Expectations*. [https://www.ctc.ca.gov/docs/default-source/educator-](https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/adopted-tpes-2016.pdf?sfvrsn=8cb2c410_0)  
28 [prep/standards/adopted-tpes-2016.pdf?sfvrsn=8cb2c410\\_0](https://www.ctc.ca.gov/docs/default-source/educator-prep/standards/adopted-tpes-2016.pdf?sfvrsn=8cb2c410_0).

<sup>2</sup> *Id.* at 4.

<sup>3</sup> *Id.* at 3, 4.

1 establish and maintain “inclusive learning environments” that “reflect diversity and multiple  
 2 perspectives[] and are culturally responsive.”<sup>4</sup> Similarly, TPE 1, “Engaging and Supporting All  
 3 Students in Learning,” expects teachers to draw upon their understanding of students’  
 4 “socioeconomic, cultural, and linguistic background[s]” to promote critical thinking, analysis,  
 5 and inquiry.<sup>5</sup> Nearly all of the TPEs, but particularly TPE 3, “Understanding and Organizing  
 6 Subject Matter for Student Learning,” require teachers to provide instruction that will enable  
 7 their students to meet or exceed California’s academic content standards.<sup>6</sup>

8 18. To obtain a teaching credential in California, therefore, teachers must  
 9 demonstrate their ability to create a culturally responsive classroom environment in which all  
 10 students can engage in critical inquiry and develop mastery of the knowledge and skills set out  
 11 in the State’s academic content standards. Resolution 21 prevents Temecula educators from  
 12 putting this ability into practice by silencing classroom discussions on the impacts of race,  
 13 gender, and other identities in American history and on students’ lives. This is exemplified by  
 14 the experience of teachers at Great Oak High School, who are questioning whether and how to  
 15 teach Toni Morrison’s *Beloved* while avoiding the concept of racial oppression,<sup>7</sup> and at  
 16 Temecula Elementary, where teachers are unsure how to respond to an inevitable and important  
 17 student question: “How and why did slavery happen?”<sup>8</sup>

18 19. This incompatibility is especially pronounced when comparing the strictures of  
 19 Resolution 21 with subject-specific teaching requirements. As outlined in the TPEs, beginning  
 20 history-social science teachers are expected to:

- 21 • “teach students how cultural perspectives inform and influence understandings  
 22 of history”;<sup>9</sup>
- 23 • “design activities to illustrate multiple viewpoints on issues”;<sup>10</sup>

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24 <sup>4</sup> *Id.* at 7-8.

25 <sup>5</sup> *Id.* at 5-6.

26 <sup>6</sup> *Id.* at 6, 8-9, 10, 11, 14, 16.

27 <sup>7</sup> Declaration of Jennifer Scharf at 1.

28 <sup>8</sup> Declaration of Amy Eytchison at 2.

<sup>9</sup> *California TPEs* at 29.

<sup>10</sup> *Id.*

- 1           • create classroom environments that support the discussion of sensitive issues
- 2           (e.g. social, cultural, race, and gender issues);<sup>11</sup>
- 3           • “ask questions and structure academic instruction to help students recognize
- 4           implicit and explicit bias and subjectivity in historical actors;”<sup>12</sup> and
- 5           • “relate history-social science content to broader contextual understandings so
- 6           that students better understand their current world.”<sup>13</sup>

7           20. Resolution 21 impedes each of these requirements. It mandates the teaching of a  
8 single, dominant cultural perspective on historical events, rejecting the realities lived by people  
9 of Color.<sup>14</sup> It prohibits teachers from introducing “Critical Race Theory,” which based on  
10 Resolution 21’s language would include racism’s definition, pervasiveness, and even  
11 existence.<sup>15</sup> It mandates that if such concepts are introduced at all, Temecula instructors must  
12 “focu[s] on the flaws in Critical Race Theory.”<sup>16</sup> And it prevents classroom discussions of  
13 specific concepts related to race, gender, and sexual orientation.

14           21. As teacher educators, we are deeply familiar with California’s academic content  
15 standards. For instance, the California History-Social Science Framework provides for  
16 instruction on how the mission period “adversely impacted scores of [Native American]  
17 communities”; how controversies over the expansion of slavery impacted California’s  
18 statehood; and how hostility toward Chinese and Japanese laborers led to “anti-Asian exclusion  
19 movements.”<sup>17</sup> Like the TPEs, these standards are impossible to reconcile with the restrictions  
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21           <sup>11</sup> *Id.*

22           <sup>12</sup> *Id.*

23           <sup>13</sup> *Id.*

24           <sup>14</sup> Resol. 21 at 3.

25           <sup>15</sup> *Id.*

26           <sup>16</sup> Because of its broad language, Resolution 21 effectively suppresses certain  
27 viewpoints, like that white people enjoy racial privilege or that measures like affirmative action  
28 or reparations are necessary to compensate for past harms. Resolution 21 bans, for example,  
teaching that racism is “racial prejudice plus power,” that racism is “ordinary,” and that  
maintaining slavery was a motivating factor in seeking independence from England – all ideas  
worthy of analysis. *California TPEs at 2-3.*

29           <sup>17</sup> Cal. Dep’t of Educ., *California History-Social Science Framework 75* (2016),  
30 <https://www.cde.ca.gov/ci/hs/cf/documents/hssframeworkwhole.pdf>.

1 imposed by the Board. Resolution 21 censors virtually all instruction that suggests that racism  
 2 is embedded into social institutions or that racism is anything but extraordinary—realities that  
 3 have been extensively demonstrated through a large body of research and that are commonly  
 4 accepted by researchers who document the history of the United States.<sup>18</sup>

5 22. In effacing these realities, Resolution 21 prevents students from learning about  
 6 the rich histories and contributions of communities of Color in the face of discrimination, while  
 7 placing no comparable restrictions on the study of white histories and experiences. When  
 8 teachers are limited to presenting historical events from a dominant group’s perspective, the  
 9 result is inaccurate instruction that has shown to be marginalizing to non-dominant students.

10 23. California’s TPEs and academic content standards reflect decades of research,  
 11 classroom observations, and experience. The nation’s longest-standing independent standards  
 12 board for educators, the California Commission on Teacher Credentialing unites classroom  
 13 teachers, administrators, school board members, school counselors, higher education faculty,  
 14 and members of the public. California Content Standards are approved by the California Board  
 15 of Education and drafted through the Board’s Commission for the Establishment of Academic  
 16 Content and Performance Standards, comprised of 21 members: the Superintendent of Public  
 17 Instruction, 12 members appointed by the governor, 6 members appointed by the  
 18 Superintendent, 1 member appointed by the Senate Rules Committee, and 1 member appointed  
 19 by the Speaker of the Assembly. Resolution 21 in turn throws research and practice-driven state  
 20 content standards and TPEs out of the window, replacing the research-backed expertise of  
 21 educational experts with certain Board members’ ideological positions and opinions.

22 **Resolution 21 is Particularly Damaging for Teachers and Students of Color**

23 24. Resolution 21 effectively silences critical discussions of race, which studies have  
 24 shown only maintains and legitimizes racism, while creating a hostile environment for students  
 25 and teachers of Color.<sup>19</sup>

26 \_\_\_\_\_  
 27 <sup>18</sup> Resol. 21 at 3.

28 <sup>19</sup> Amos, Y. T. (2016). Wanted and used: Latina bilingual education teachers at public schools. *Equity & Excellence in Education*, 49(1), 41–56; Kohli, R. (2016). Behind school doors: The racialization of teachers of color in urban public schools. *Urban Education*. Advance online publication; Souto-Manning, M., & Cheruvu, R. (2016). Challenging and

1           25.     Resolution 21 exacerbates the psychological, emotional, and physical toll that  
 2 teachers of Color already face. Within California’s overwhelmingly white teaching profession,  
 3 teachers of Color are already exposed to heightened stress from experiencing racism and  
 4 shouldering the responsibility of educating their white peers and protecting students of Color.<sup>20</sup>  
 5 Resolution 21 adds to this stress by placing teachers of Color in a double bind: excise  
 6 “controversial” material that recognizes the experiences of students of Color or retain it at the  
 7 risk of their job or harassment from TVUSD officials. These experiences exact a long-term toll  
 8 on the wellbeing of teachers of Color, increasing teacher attrition and ultimately harming  
 9 students.<sup>21</sup>

10           26.     Resolution 21’s chilling effect trickles down to students. Students of Color thrive  
 11 when teachers acknowledge the role of structural racism and engage in culturally responsive  
 12 pedagogy, a style of teaching that highlights the voices, literature, culture, and history of  
 13 communities of Color in everyday classroom lessons..<sup>22</sup> Yet Resolution 21 effectively prohibits  
 14 TVUSD teachers from adopting culturally responsive pedagogy. For example, teachers may  
 15 analyze novels by authors of Color, but in the wake of Resolution 21 and its bans on teaching  
 16 that racism is “ordinary,” all but one teacher at Temecula Middle School has removed Mildred  
 17 Taylor’s *Roll of Thunder, Hear My Cry*. Katrina Miles, Temecula Middle School’s only Black  
 18 educator who has “first-hand experience with America’s dark and racist past,” is the only sixth  
 19 grade teacher at her school who continues to teach *Roll of Thunder, Hear My Cry*, but even she  
 20 was forced to “circumscribe[]” her discussion of the anti-Black violence it contains.<sup>23</sup> Anti-  
 21 Black violence is a proven and well-documented reality in the U.S. both historically and

22 \_\_\_\_\_  
 23 appropriating discourses of power: Listening to and learning from early career early childhood  
 24 teachers of color. *Equity & Excellence in Education*, 49(1), 9–26.

24           <sup>20</sup> Pizarro, M., & Kohli, R. (2018). “I Stopped Sleeping”: Teachers of Color and the  
 25 Impact of Racial Battle Fatigue. *Urban Education*, 55(7), 967–991,  
 26 <https://doi.org/10.1177/0042085918805788>, at 1.

26           <sup>21</sup> Hesse, A. R. (2002). Secondary trauma: How working with trauma survivors affects  
 27 therapists. *Clinical Social Work Journal*, 30, 293-309.

27           <sup>22</sup> Amos, Y. T. (2016). Wanted and used: Latina bilingual education teachers at public  
 28 schools. *Equity & Excellence in Education*, 49(1), 41–56.

28           <sup>23</sup> Declaration of Katrina Miles at 2.

1 contemporarily. This erasure is anti-factual, anti-historical and irresponsible, denying children  
 2 the opportunity to understand history and develop the critical thinking skills to understand the  
 3 world they live in.

4 27. Even when Temecula teachers do discuss racial inequality with their students,  
 5 they are unable to provide a safe environment in which students can grapple with the issues.  
 6 They cannot give their students the scaffolding and emotional support needed to meaningfully  
 7 engage with hard questions, leaving their students adrift. For example, when Jennifer Scharf  
 8 taught Bryan Stevenson’s *Just Mercy* this year, she was forced to omit her usual discussion of  
 9 the origins of inequities in the criminal justice system.<sup>24</sup> “I felt awful,” she explained, “because  
 10 I introduced my students to these important and serious topics without the support and guidance  
 11 I normally provide.”<sup>25</sup> This limited approach runs counter to established and effective teaching  
 12 practices that ensure students develop the holistic critical thinking skills necessary to make  
 13 sense of the racial realities that they have and will experience throughout their lives. As Scharf  
 14 suggests, it’s an inadequate and irresponsible approach to education that is harmful to educators  
 15 and students alike.

16 28. Resolution 21 prevents teachers from cultivating a welcoming classroom  
 17 environment for students of Color and LGBTQ+ students. Educational scholarship  
 18 demonstrates that students of Color and LGBTQ+ students need safe landing spaces where their  
 19 identities are visible, welcomed, and valued by adults in the school.<sup>26</sup> Resolution 21 undermines  
 20 the presence of these spaces by preventing teachers from talking about race, gender, or sexual  
 21 orientation, thereby sending a message to students of Color and LGBTQ+ students that school  
 22 is not a place where they can share their full selves. For Katrina Miles, Temecula Middle  
 23 School’s only Black educator, Resolution 21 means that even as she watches her students  
 24 grapple with challenging political, social, and personal issues outside the classroom, “[she]

25 \_\_\_\_\_  
 26 <sup>24</sup> Declaration of Jennifer Scharf at 2-3.

27 <sup>25</sup> *Id.*

28 <sup>26</sup> Howard, T.C. (2020). *Why race and culture matter in schools: Closing the achievement gap in America’s classrooms*. (2nd edition). New York: Teachers College Press; Carter, Prudence L. (2005). *Keepin’ It Real: School Success beyond Black and White*. New York: Oxford University Press.

1 cannot talk about these issues with them. [She] cannot help them understand our complex  
2 society. [She] cannot provide them with new, diverse viewpoints from [her] own lived  
3 experiences.”<sup>27</sup> Students of Color and LGBTQ+ students recognize that because their teachers  
4 are under threat, they “will almost certainly never explore” topics with personal relevance to  
5 them.<sup>28</sup>

6 29. Teachers are also left unable to respond to instances of overt racism in the  
7 classroom, such as when a student uses a racial slur. As teacher educators, we work to provide  
8 teachers with the racial literacy skills they need to effectively navigate such situations—skills  
9 they will hone throughout their career. But in the climate of fear created by Resolution 21,  
10 teachers are hesitant to address such incidents, leaving marginalized students vulnerable and  
11 allowing important teaching moments to pass without comment.

12  
13 We declare under penalty of perjury of the law of the State of California that the  
14 foregoing is true and correct.

15 Executed this November 13, 2023 in Los Angeles, California.

16 *Rita Kohli*

*Marcos Pizarro*

17  
18 Rita Kohli, Ph.D.  
*Declarant*

Marcos Pizarro, Ph.D.  
*Declarant*

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<sup>27</sup> Declaration of Katrina Miles at 2-3.

<sup>28</sup> Declaration of Mae M. at 2; Declaration of Susan C. at 1.