

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

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)
humphreyss@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 PLAINTIFF
GWEN S.**

Judge: Honorable Irma Poole Asberry

Dept.: 5

DECLARATION OF GWEN S.

I, Gwen S., 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 16-year-old Vietnamese-American student and junior at one of Temecula Valley Unified School District’s (“TVUSD” or the “District”) three comprehensive high schools. After eighth grade graduation, my family moved to Temecula so I could attend one of the District’s excellent high schools. I aspire to enter a career in STEM, and I am particularly interested in data science and ecology.

3. I hope to attend college at a U.C. campus. Because I love helping people learn and want to teach, I would like to become a college professor and research scientist.

4. I am a non-binary and queer person. As a freshman, I joined my high school’s Gender and Sexuality Alliance (“GSA”) to build community with other students and advocate for a safe and inclusive school environment. I wanted to learn more about LGBTQ history and others’ experiences in the community. I was searching for a place on campus to make friends and feel more at home in my new city. In the GSA, I found a community of friends who allow me to feel supported in a very warm and open space. I now serve as one of the organization’s co-leaders.

5. LGBTQ students at my high school face a climate of hostility, and we are frequently the targets of anti-LGBTQ slurs. For example, members of a football team recently taunted an openly queer member of the high school choir, shouting slurs about the person’s sexual orientation during a performance at a school rally. I have even seen teachers refusing to use people’s identified pronouns and mocking non-binary and trans identities. I have never seen school officials adequately respond to these incidents.

6. The Board’s decisions—including the forced outing policy, the flag ban, and the removal of information about LGBTQ rights from social studies materials—exacerbate the District’s anti-LGBTQ climate and dismay our LGBTQ community. In particular, the forced outing policy provisions have made me stressed and anxious because they take away my

1 autonomy and will result in the school tracking and sharing my gender identity. I want to be
2 able to disclose that at my own will. I have also watched peers suffering mental strain and fear
3 as a result of the Policy, including missing school. Others, confused as to whom—if anyone—
4 they can come out to on campus without being outed at home, have chosen not to come out at
5 all. My peers believe that it is safer to hide their gender identities at school rather than undergo
6 a forced outing to unsupportive parents.

7 7. The District’s decisions have negatively affected our GSA. For example, before
8 these policies, I had planned to collect testimonies about students’ experiences to advocate for
9 school-wide responses to bias-based bullying. Our club also planned to invite a representative
10 from the Human Rights Campaign, an organization that works to end anti-LGBTQ
11 discrimination, to discuss potential actions the GSA could take to support LGBTQ students in
12 school. But the passage of the Resolution forced me and the GSA to focus our efforts on
13 opposing its restrictions, which are making it even harder to receive the inclusive education the
14 State requires. We are now focused on opposing the flag ban and forced outing policy, which
15 inflict even more harm on our community.

16 8. The Board’s actions have also caused our GSA to lose our teacher adviser, who
17 recently stepped down after 10 years of supporting our organization. As a gay woman, she was
18 worried about being labeled a “groomer” or letting us become targeted by the Board’s
19 supporters. People would say she is indoctrinating us, even though students decide all club
20 activities. We were forced to find a new adviser, which was challenging because even teachers
21 who support our efforts do not want to be harassed. Our new adviser does not identify as
22 LGBTQ, and we miss having a trusted teacher adviser who was part of our community.

23 9. The Board’s supporters have even accused me of being a “groomer.” When I
24 share GSA meeting topics with the school community on Instagram, the Resolution’s
25 supporters repost our announcements and say we are grooming by talking about gender.

26 10. The Board’s actions have negatively affected my classroom experiences. Some
27 of my teachers are afraid of the Resolution and of the severe consequences that could result
28 from being misquoted. Whereas previously we sometimes had the opportunity to discuss racial

1 justice issues while reading books like *To Kill a Mockingbird*, dialogue on race, gender, and
2 sexual orientation has noticeably decreased, and teachers have cut off discussion altogether
3 when we raise questions about the Resolution.

4 11. I have even started to self-censor in the classroom. For example, my Drama
5 teacher last school year asked us to present on a playwright of our choosing. I selected the
6 playwright and historian Howard Zinn. Because we could not properly discuss racial
7 oppression, I deliberately left out the racial justice issues that inspired Zinn’s writings, which
8 themselves have been the target of book banning efforts.

9 12. I am studying U.S. History this year, and U.S. History teachers are particularly at
10 risk of violating the Resolution. I worry that my learning will be incomplete as a result. For
11 example, California’s academic standards say that this year I should be studying the LGBTQ
12 rights movement, including the leadership of California-based groups and activists. I am
13 supposed to learn about how LGBTQ organizing led to positive changes like marriage equality.
14 But given the Board’s actions targeting the LGBTQ community and its history, my teachers
15 will be discouraged from discussing these topics for fear of being punished or labeled a
16 “groomer.”

17 13. I have spent significant time and effort opposing the Board’s decisions since last
18 December. At the December 13 Board meeting, I arrived right after school—around 4 p.m.—
19 and signed up to comment on the Resolution, which was the last agenda item. Other students
20 from my school and schools across the District also signed up to speak against the Resolution.
21 We were pushed to the end, though, because the Resolution’s supporters signed up to speak
22 during the general comment period at the start of the meeting. Many of the students who signed
23 up at the same time as me did not have the opportunity to comment because we had to leave at
24 10 p.m., and the Board let the meeting go on until 1 a.m. Even though it was a school night just
25 before final exams, I stayed until I was allowed to speak, at around 11 p.m. When I finally
26 spoke, I argued that the Resolution would censor critical thought and limit academic freedom in
27 TVUSD classrooms.

28

1 14. The meeting at which the Resolution passed was my first Board meeting. I saw
2 adults shouting at and belittling each other. Supporters of the Resolution yelled at parents and
3 teachers who tried to protect the students, calling them “groomers.” Others harassed and
4 mocked LGBTQ students. For example, one adult said that if students could identify however
5 they wanted, he would in turn identify as “a Black lesbian woman.” I also noticed that when
6 people spoke against the Resolution, the new Board members let attendees stand up and shout
7 at them. But when people spoke in favor of the Resolution, they threatened to remove attendees
8 who expressed their disagreement.

9 15. I am disheartened that the Resolution was the first measure the new Board
10 members wanted to pass. I do not understand why they refused to seek out student or teacher
11 thoughts on the Resolution. The new Board members have continued attacking the LGBTQ
12 community this year with their forced outing policy and flag ban. Their decisions have brought
13 out hate and division, which makes me afraid to be active in the community. However, as a
14 leader in my GSA, it has been my responsibility to speak out against the recent decisions. I have
15 coordinated several actions to support TVUSD’s transgender and gender nonconforming
16 students. I participated in a walkout and am planning more demonstrations with my peers. I
17 encouraged students to attend the August 22 Board meeting to oppose the forced outing policy.
18 I created and distributed fliers with information about the policy and its harms to transgender
19 and gender nonconforming students. I am exhausted, and this advocacy has forced me to take
20 time from my schoolwork to support my peers. Ultimately, the decisions make it hard to go to
21 school in Temecula.

22 16. I am deeply saddened by what is happening in our community. Before all of this
23 happened, in June 2022, the City Council invited GSAs from across the District to City Hall for
24 a proclamation honoring Pride Month. This was meaningful to me because it felt like the City
25 and community wanted to listen to us and at least respect us. But even this ended in January,
26 when the Council voted to stop issuing such proclamations. Our community is no longer
27 supported, and I do not see an end to the attacks against us.

28

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

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

Executed on November 28, 2023.

Gwen S

Gwen S.
Declarant