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# School district asks judge to dismiss challenge to 'unconscious bias' training

By SCOTT STEEPLTON  
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Arguing that a parents group has no standing, the Santa Barbara Unified School District is asking a federal judge to dismiss a lawsuit challenging a controversial "unconscious bias" training curriculum it receives through a contract with an organization called Just Communities Central Coast.

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At the same time, the district and Just Communities are seeking to block a motion by the parents group known as Fair Education Santa Barbara to bar use of the materials until the lawsuit makes its way through court.


In December, the nonprofit parents group sought to stop the defendants from moving forward "under an illegal and void contract for JCCC to provide purported 'unconscious bias' and 'inclusivity' training for teachers and students."

Several of the group's claims "are directed toward the unlawful and unconstitutional discriminatory nature of JCCC's 'training' programs."

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But the contract also is void and can be terminated, Fair Education argues, because it was not put out to bid per the state Public Contract Code.

The district has in the last few years paid more than \$1.3 million to Just Communities for a variety of school materials. But officials deny the programs serve any goal other than to develop culturally proficient and equitable school communities.

In its lawsuit filed in U.S. District Court in Los Angeles, Fair Education claims the school district violates federal law through a so-called "inclusivity" instruction that in reality promotes values that are overtly and intentionally "anti-Caucasian," "anti-Christian" and "anti-male."

In its response to the complaint filed Monday and obtained by the News-Press, the district denies the allegations contained in all six counts, claims the plaintiff lacks standing to file a legal challenge and claims the court lacks jurisdiction over some of the counts in the complaint.

A hearing on the motion to dismiss the complaint is set for Feb. 25 before Judge Stephen V. Wilson in Los Angeles.

Santa Barbara-based Just Communities also responded to the lawsuit Monday, arguing that Fair Education Santa Barbara's "sprawling allegations" are "insufficient, as a matter of law, and must be dismissed."

Turning to its materials, Just Communities says its goal is "closing the educational achievement gap ... by building trusting relationships between participants of different backgrounds, teaching educators to rely on culturally-relevant examples and experiences."

"Other workshops help educate parents on equity concepts, or teach students about institutional racism and educational inequality in the context of the history of the United States educational system."

Chief among its claims that the plaintiff lacks standing to bring a legal challenge, Just Communities says the parents group has failed to identify its members, show that its members were subjected to allegedly discriminatory actions and show whether its members personally suffered discrimination at the hands of Just Communities.

Were Judge Wilson to grant the parents group injunction, Just Communities argues, he would be "interrupting a

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long-standing relationship" with the district dating to 2005 "to provide educational programs about implicit bias and educational equity to teachers, parents, and students alike."

"JCCC's programs have been called 'the most promising vehicle for eliminating racial and ethnic disparities in narrowing the educational achievement gap in the country' and are making a 'measurable contribution to Latino student achievement'" in the district.

Just Communities wraps up its motion against the injunction by saying it and the district are the entities that stand to suffer any harm should the parents group prevail.

"Both SBUSD and JCCC have ... scheduled future educational services; their employees have prepared, and are preparing, to perform those services; and the contract amount factors into each of their budgets."

Preventing the contract from going forward, Just Communities claims, "would place tremendous hardship on JCCC and its employees, who "have already undertaken plans and expended resources in reliance on the contracts."

In separate filings, Just Communities added three attorneys to its legal team, all from the San Francisco firm Kirkland & Ellis: May Eaton, intellectual property litigation associate; Elise Sabrina Edlin, intellectual property litigation associate; and Sarah Elizabeth Piepmeier, a partner and a leader of the firm's Bay Area intellectual property litigation practice.

Representing Fair Education Santa Barbara are Eric Early and Peter Scott of the Los Angeles firm Early Sullivan Wright Gizer & McRae.

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