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FAIR EDUCATION SANTA BARBARA, INC.

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**

10  
11 FAIR EDUCATION SANTA  
BARBARA, Inc., a 501(c)(3)  
12 organization

13 Plaintiff,

14 vs.

15 SANTA BARBARA UNIFIED  
SCHOOL DISTRICT, a public school  
16 district; and JUST COMMUNITIES  
CENTRAL COAST, INC., a  
17 501(c)(3) organization.

18 Defendants.  
19

Case No.: 2:18-cv-10253-SVW-PLA

**DECLARATION OF PETER  
SCOTT IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

Date: Jan. 14, 2019

Time: 9:00 AM

Courtroom: 10A

Trial Date: None Yet

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**DECLARATION OF PETER SCOTT**

I, PETER SCOTT, declare as follows:

1. I am a partner in the law firm of Early Sullivan Wright Gizer & McRae LLP, counsel of record for plaintiff Fair Education Santa Barbara (“Plaintiff” or “FESB”) herein and am licensed to practice before all Courts in the State of California and the United States District Court for the Central, Southern and Northern Districts of California. I have personal knowledge of the matters set forth below and if called as a witness could testify competently thereto.

2. The filed Articles of Incorporation of Fair Education Santa Barbara, Inc. filed with the California Secretary of State on October 17, 2018, which I obtained from the California Secretary of State’s website through <http://businesssearch.sos.ca.gov> on December 11, 2018, is attached hereto as **Exhibit A.**

3. FESB is a coalition of concerned parents of students and taxpayers in the Santa Barbara Unified School District, all of whom are residents and tax payers within Santa Barbara County. All members of FESB are assessed for, liable to pay, and have paid real property taxes and assessments on property located within the Santa Barbara Unified School District’s boundaries within one year before commencement of this action.

4. Defendant Santa Barbara Unified School District is a public school district located in Santa Barbara County, California, created and operating under the laws of the State of California. SBUSD receives and benefits from federal and state financial assistance, as well as taxes and assessments paid by the members of Fair Communities SB.

1           5.       The filed Articles of Incorporation for Defendant Just Communities  
2 Central Coast filed with the California Secretary of State on December 30, 2008,  
3 which I obtained from the California Secretary of State’s website through  
4 <http://businesssearch.sos.ca.gov> on December 11, 2018, is attached hereto as  
5 **Exhibit B.**

6           6.       A print out of the landing page for JCCC’s website available at  
7 [www.just-communities.org](http://www.just-communities.org), which I obtained on December 12, 2018, is attached  
8 hereto as **Exhibit C.**

9           7.       A print out of the “Find A Program” portion of JCCC’s website  
10 available at [www.just-communities.org/blank-c1wj3](http://www.just-communities.org/blank-c1wj3), which I obtained on  
11 December 12, 2018, is attached hereto as **Exhibit D.**

12           8.       A print out of the “Institute for Equity in Education (IEE)” portion of  
13 JCCC’s website, available at [www.just-communities.org/iee](http://www.just-communities.org/iee), which I obtained on  
14 December 11, 2018, is attached hereto as **Exhibit E.**

15           9.       A print out of the “Talking In Class” portion of JCCC’s website,  
16 available at [www.just-communities.org/talkinginclass](http://www.just-communities.org/talkinginclass), which I obtained on  
17 December 11, 2018, is attached hereto as **Exhibit F.**

18           10.      A print out of the “Parents for Inclusion, Diversity, and Access  
19 (‘PIDA’)” portion of JCCC’s website, available at [www.just-communities.org/pida](http://www.just-communities.org/pida),  
20 which I obtained on December 11, 2018, is attached hereto as **Exhibit G.**

21           11.      A print out of the “About Us” portion of JCCC’s website, available at  
22 [www.just-communities.org/about\\_us](http://www.just-communities.org/about_us), which I obtained on December 12, 2018, and  
23 which lists the biographies and qualifications of JCCC’s staff, including Executive  
24 Director Jarrod Schwarz, is attached hereto as **Exhibit H.**

25           12.      A true and correct copy of JCCC’s IRS Form 990, obtained from the  
26 JCCC website, is attached hereto as **Exhibit I.**

27           13.      A true and correct copy of a document entitled “Just Communities’  
28 Institute for Equity in Education Contribution Analysis,” which I obtained from

1 JCCC’s website on December 12, 2018, which purports to be a study  
2 commissioned by JCCC of the effectiveness of JCCC’s programming, is attached  
3 hereto as **Exhibit J**.

4 14. On or about September 11, 2018, the SBUSD School Board held a  
5 public meeting at which a four-year Memorandum of Understanding between  
6 SBUSD and JCCC was proposed with an aggregate cost to the district of  
7 \$1,737,910 for JCCC to provide its unconscious bias training. A true and correct  
8 copy of the proposed Memorandum of Understanding is attached hereto as **Exhibit**  
9 **K**.

10 15. At the September 11, 2018 SBUSD Board Meeting, the JCCC  
11 Memorandum of Understanding was objected to by a group of taxpayers and  
12 parents within SBUSD. Various problems with the JCCC Memorandum of  
13 Understanding were detailed for the SBUSD School Board at the September 11,  
14 2018 meeting as well as through follow up correspondence, including without  
15 limitation JCCC’s discriminatory programming, the failure of the proposed MOU  
16 to adhere to District contracting standards, numerous conflicts of interest between  
17 JCCC and the SBUSD School Board, and the failure of SBUSD to open the  
18 contract for public bidding. As a result of this challenge, the SBUSD School Board  
19 tabled approval of the JCCC MOU until the next meeting in October of 2018. The  
20 complete video of the September 11, 2018 SBUSD School Board meeting is  
21 available at <https://youtu.be/pMOBzfTrU1M?t=3386>.

22 16. At the subsequent October 9, 2018 SBUSD School Board meeting, a  
23 revised, one-year contract with JCCC was presented for approval (the “JCCC  
24 Contract”). A true and correct copy of the contract with JCCC presented at the  
25 October 9, 2018 SBUSD School Board meeting is attached hereto as **Exhibit L**.

26 17. Despite repeated requests, the SBUSD School Board and SBUSD  
27 failed and refused to let this contract for public bidding and did nothing to resolve  
the numerous conflicts of interest previously brought to the District’s attention. In

1 particular, the SBUSD School Board did not require JCCC to submit a written  
2 conflict of interest statement specified by SBUSD Board Policy No. 3600, a true  
3 and correct copy of which is attached hereto as **Exhibit M**. Instead, the proposed  
4 JCCC Contract was unanimously approved by the SBUSD School Board and  
5 SBUSD Superintendent Cary Matsuoka. The complete video of the October 9,  
6 2018 SBUSD School Board meeting is available at <https://youtu.be/4hUhJ4iuzt4>.

7 18. Pursuant to the JCCC Contract, JCCC provided its first Institute for  
8 Equity in Education training program in November of 2018 and is scheduled to  
9 provide its next Institute for Equity in Education training program from March 5  
10 through 11, 2018.

11 19. Numerous providers of diversity, inclusion and/or unconscious bias  
12 training similar to that provided by JCCC exist throughout the United States.  
13 Attached hereto as **Exhibits N** through **Q** are prospectuses and information for such  
14 providers obtained directly from the respective provider’s website, which I obtained  
15 on October 17, 2018 and December 12, 2018.

16 20. My research has shown the following relationships between past  
17 and/or present SBUSD employees or School Board members and JCCC and/or its  
18 major funding sources:

19 a) As can be seen on **Exhibit H**, Annette Cordero, a two-term member of  
20 the SBUSD School Board, is currently a member of JCCC’s Board of  
21 Directors. Attached hereto as **Exhibit R** is a printout of the July 10,  
22 2012 Board of Education Meeting denoting Annette Cordero as a  
23 board member of SBUSD.

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- 1           b) As can be seen on **Exhibit H**, Dr. Cash is currently a member of  
2           JCCC’s Board of Directors. Dave Cash was the superintendent of  
3           SBUSD from 2011 through 2016 and approved numerous of JCCC’s  
4           prior contracts with the District. A printout of an article from  
5           *Noozhawk* detailing Dr. Cash’s tenure as superintendent, accessed on  
6           December 12, 2018, is attached hereto as **Exhibit S**.
- 7           c) The McCune Foundation has provided funding for JCCC for years.  
8           Attached hereto as **Exhibits T** through **X** are true and correct copies of  
9           printouts from the McCune Foundation website listing grants from the  
10          McCune Foundation to JCCC.
- 11          d) Monique Limon is a member of the Grants Review Committee for  
12          Santa Barbara, in addition to being a SBUSD School Board member  
13          from 2014 through 2017. Attached hereto as **Exhibit Y** is a true and  
14          correct printout of the About Us section of the McCune Foundation  
15          web page. Attached hereto as **Exhibit Z** is a true and correct printout  
16          of an article from *Noozhawk* detailing Ms. Limon’s service on the  
17          SBUSD School Board.
- 18          e) Pedro Paz was a member of the SBUSD School Board from 2012 to  
19          2016, and is the head of the Fund for Santa Barbara, which provides  
20          funding to JCCC. Attached hereto as **Exhibit AA** is a true and correct  
21          copy of a printout from the Fund for Santa Barbara website with Mr.  
22          Paz’ *curriculum vitae*. Attached hereto as **Exhibit BB** is a true and  
23          correct copy of a printout from the Fund for Santa Barbara website  
24          detailing grants to JCCC.
- 25          f) Shawn Carey is the Assistant Superintendent for Secondary Education,  
26          and a former JCCC teacher. Attached hereto as **Exhibit CC** is a true  
27          and correct copy of an article detailing Ms. Carey’s involvement as a  
28          teacher for JCCC.

- 1 g) As can be seen from **Exhibit H**, Alma Flores sits on JCCC’s Board of  
2 directors. Alma Flores is an administrative assistant at SBUSD.  
3 Attached hereto as **Exhibit DD** is a true and correct copy of the  
4 Contact Us page from Santa Barbara Unified showing Ms. Flores’  
5 position at SBUSD, accessed on December 12, 2018.
- 6 h) As can be seen from **Exhibits H** and **DD**, Current SBUSD Director of  
7 English Learners and Parent Engagement Maria Larios-Horton is on  
8 JCCC’s Board of Directors.
- 9 i) Current SBUSD School Board member, Ismael Ulloa, who voted to  
10 approve the JCCC Contract, was a teacher and program leader for  
11 JCCC in 2016.

12 21. Attached hereto as **Exhibit FF** is a true and correct copy of written  
13 materials utilized by JCCC at its IEE programs, which were obtained through prior  
14 attendees at the program.

15 22. Attached hereto as **Exhibit GG** is a true and correct copy of a letter  
16 dated September 21, 2018 sent by my office to Joseph Sholder, counsel for the  
17 Santa Barbara Unified School District.

18 23. On or about October 19, 2018, NPR affiliate station KCRW conducted  
19 an interview of JCCC’s Executive Director Jarrod Schwartz regarding JCCC’s  
20 SBUSD programming. In this interview the following colloquy occurred:

21 **KCRW:** To use an example, that Eric Early used here, and I’m going to quote  
22 “a teacher said that during the training people with white skin were  
23 asked to go to a separate room and come to terms with the  
24 presumption of the fact that they are racist and colluding to promote  
25 or perpetuate racism whether intentional or not" unquote. There again  
26 is it possible that something like that could have been said in one of  
27 your trainings?

1 **Mr.** So there are certainly some of our training [where] we do invite  
2 **Schwartz:** people to go to separate groups based on how they identify racially  
3 and ethnically. So for example, summer programs will have a room  
4 for people of color, another room for white folks, another room for  
5 people of color who were often read in society as white but identify as  
6 people of color, and in those spaces we talk about what's our  
7 experience with racism, how are we impacted by it uniquely in  
8 different spaces.

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10 The complete interview is available at [https://www.kcrw.com/news-](https://www.kcrw.com/news-culture/shows/the-805/implicit-bias-training-discriminates-against-white-people-anonymous-parents-say/anonymous-parents-threaten-lawsuit-over-an-implicit-bias-training-program)  
11 [culture/shows/the-805/implicit-bias-training-discriminates-against-white-people-](https://www.kcrw.com/news-culture/shows/the-805/implicit-bias-training-discriminates-against-white-people-anonymous-parents-say/anonymous-parents-threaten-lawsuit-over-an-implicit-bias-training-program)  
12 [anonymous-parents-say/anonymous-parents-threaten-lawsuit-over-an-implicit-bias-](https://www.kcrw.com/news-culture/shows/the-805/implicit-bias-training-discriminates-against-white-people-anonymous-parents-say/anonymous-parents-threaten-lawsuit-over-an-implicit-bias-training-program)  
13 [training-program](https://www.kcrw.com/news-culture/shows/the-805/implicit-bias-training-discriminates-against-white-people-anonymous-parents-say/anonymous-parents-threaten-lawsuit-over-an-implicit-bias-training-program).

14  
15 I declare under penalty of perjury under the laws of the United States of  
16 America that the foregoing is true and correct.

17 Executed this 13th day of December 2018 at Los Angeles, California.

18  
19 *Peter Scott*  
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21 PETER D. SCOTT

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