

Eric P. Early, State Bar Number 166275  
*early@earlysullivan.com*  
Peter Scott, State Bar Number 247786  
*pscott@earlysullivan.com*  
EARLY SULLIVAN WRIGHT  
GIZER & McRAE LLP  
6420 Wilshire Boulevard, 17<sup>th</sup> Floor  
Los Angeles, California 90048  
Telephone: (323) 301-4660  
Facsimile: (323) 301-4676

Attorneys for Plaintiffs  
FAIR EDUCATION SANTA  
BARBARA, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SANTA BARBARA**

FAIR EDUCATION SANTA BARBARA,  
INC., a 501(c)(3) organization

Plaintiff,

vs.

SANTA BARBARA UNIFIED SCHOOL  
DISTRICT, a public-school district; CARY  
MATSUOKA, in his official capacity; and  
JUST COMMUNITIES CENTRAL  
COAST, INC., a 501(c)(3) organization,

Defendants.

Case No.: 19CV01875

**DECLARATION OF SHERIDAN  
ROSENBERG IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S SPECIAL MOTION TO  
STRIKE**

Date: September 17, 2019  
Time: 9:30 AM  
Dept.: 3

Date Filed: April 8, 2019  
Trial Date: None Yet

[Assigned for all purposes to Hon. Thomas  
P. Anderle, SB Dept. 3]



**DECLARATION OF SHERIDAN ROSENBERG**

I, Sheridan Rosenberg, declare and state as follows:

1. I am a member of Fair Education Santa Barbara, Inc. ("FESB"). I have resided in Santa Barbara, California since 1983. My daughter, age 17, attended Santa Barbara High School as a sophomore in 2017-2018 and as a junior in 2018-2019 until she transferred to Olive Grove Charter School in April 2019 as more fully set forth below.

2. FESB's purpose is to advocate for excellent education opportunities for all students in the Santa Barbara Unified School District and elsewhere, without regard to race, religion, national origin, sexual orientation or other protected classifications, and to act as a watchdog to ensure that monies are properly spent, and to address issues of concern to students, parents, faculty and staff within the SBUSD. FESB's function goes well beyond the lawsuit filed regarding the funding of JCCC and involves lobbying, watchdog activities and grassroots work in the community.

3. On or about September 25, 2018, I attended an SBUSD School Board meeting where a large number of people spoke concerning Just Communities Central Coast (JCCC). Teacher after teacher stood up and spoke in favor of JCCC and how it taught them about their "white privilege." At this meeting, I expressed concerns about the program and its costs and asked the Board to release a copy of the curriculum. After the meeting Jarrod Schwartz approached my friends and me in the parking lot and wanted to speak to us. We showed him pages of the curriculum (which are attached now to FESB's operative complaint int his action), some of which talked about white privilege and the fact that racism is white people oppressing people of color. Mr. Schwartz acknowledged that these pages were from the JCCC curriculum.

4. On or about October 9, 2018, I attended another meeting of the SBUSD School Board and asked the school board for a copy of the JCCC curriculum. I was informed by the Board that they would not allow us to see the curriculum because they did not want to set a precedent by releasing materials from their contracting partners. This made little sense to me, because, as a parent of a student in the district, I should be permitted to see what is being taught.

5. In the fall of 2017, my daughter told me she encountered hostility from Hispanic students when she asked them why they were not standing for the pledge of allegiance on September

1 11<sup>th</sup>, the day on which the September 11, 2001 terrorist attacks were being commemorated.

2 6. In the fall of 2018, my daughter told me again that she was encountering hostility  
3 from Hispanic students and staff. In her first class, students were asked to stand for the Pledge of  
4 Allegiance and that all but one of her classmates remained seated. The other students were snide  
5 with her and the other student while they were saying the Pledge. This was before FESB filed its  
6 lawsuit against SBUSD and JCCC.

7 7. On or about December 2018 I began receiving notices that my daughter was being  
8 cited for being late to class and truancy. This had never before been a problem with her at school.  
9 When I confronted her about being late to class, she explained that the only bathroom she felt  
10 comfortable using was all the way across campus at the MAD academy because the others were  
11 filthy and broken. She said it was all around an awful environment to be in.

12 8. I thought my daughter was exaggerating about the problems at Santa Barbara High.  
13 In response she started taking photos of the bathrooms at the MAD Academy (which were spotless)  
14 and those at Santa Barbara High which were filthy and in terrible disrepair as a result of flagrant  
15 neglect over a period of months and years. She also took many pictures of other conditions  
16 throughout the campus. She told me they had not provided any heating for over a year, that many  
17 kids were bringing blankets to school, and that one teacher even brought in a toaster oven to stay  
18 warm. She also told me that during the hot weather the classrooms were unbearably hot and reeked  
19 of body odor. I was horrified when she showed me photos depicting the condition of the facilities.  
20 I spoke with other members of FESB and decided to file a formal complaint but did not know the  
21 procedure for doing so.

22 9. My daughter continued obtaining photos of Santa Barbara High School and sharing  
23 them with me. In March 2019 I discovered that there was a procedure for filing complaints under  
24 the Williams Act. I took the lead to prepare specific complaints about the facilities and back them  
25 up with photos taken over at least a couple of months. FESB filed 9 separate complaints on April  
26 11, 2019 and one more in August 2019.

27

1           10.     On April 4, 2019, I attended a meeting at the SBUSD office meeting room for public  
2 input about the SBUSD's Local Control Accountability Plan ("LCAP") funding, which is intended  
3 to provide supplemental funding to be used for programs to assist disadvantaged youth and special  
4 needs youth. My purpose was to provide input and suggest that rather than funding JCCC and other  
5 non-profits, it would be a better use of funds for the SBUSD to fix its derelict facilities (which in  
6 my opinion it is required to do before spending LCAP monies) and to hire direct employees to  
7 provide those services currently performed by outside "non-profit" groups at an exorbitant cost to  
8 the district. During that meeting, SBUSD Assistant Superintendent Shawn Carey agreed that the  
9 facilities and the learning environment was an important component of the learning program. I also  
10 asked questions about why the number one priority in the district's use of LCAP funds was for  
11 "cultural proficiency" rather than reading, writing, math and language skills. I asked the district to  
12 explain to me exactly what "cultural proficiency" is and was met with a very hostile response from  
13 an SBUSD staff person who snidely told me just to "look it up on the web." Another JCCC supporter  
14 very aggressively yelled at me from across the room, accusing me of dominating the conversation  
15 and attempting to shout me down.

16           11.     In late April 2019, my daughter told me that being in her school environment was  
17 becoming unbearable. She described how there is a double standard at the school for kids who are  
18 Hispanic versus kids who are not. This double standard creates tension and is terrible for everyone.  
19 She described how the campus climate was unwelcoming and unfair, how she felt anxious all the  
20 time and that there was a hostile school environment. My daughter is a cheerful, tender hearted  
21 gregarious person who wants to be friends with everyone. For her to feel this way, I know the  
22 problem is serious and systemic.

23           12.     On or about April 28, 2019, I was informed that my daughter was locked out of her  
24 Kinesiology class and a group of Hispanic students who were no more than a couple of feet away  
25 from her on the other side of the door were taunting her, making fun of her and laughing at her  
26 through a big window, that the door was obstructed and they refused to let her in the building, and  
27 that she had to fight back tears in front of them because it was not safe to show fear and emotion.  
When I heard this, I wanted to report this to the principal. My daughter begged me not to, because


1 it would make it so much worse for her. She preferred to have me pull her out of school and said  
2 she could not take it anymore. In response I withdrew her from Santa Barbara High School and  
3 transferred her to Olive Grove Charter School.

4 13. I attended two of JCCC's parent workshops earlier this year. At these workshops,  
5 the presentation was incredibly biased and one-sided, demonstrating through its exercises that  
6 people prefer light skin over dark skin, and stating that there is no such thing as biological race. The  
7 JCCC instructor gave many examples of purported racism by white people against "people of color".  
8 However, not one example was presented of any non-white group being racist. Every time I asked  
9 a question or challenged the data, I was met with a response that I should look it up on the internet.  
10 This one-sided, biased curriculum in my opinion is insulting, divisive and toxic, and I believe is  
11 simply creating more division and hostility amongst people of different backgrounds. I am not  
12 opposed to implicit bias training as long as it does not denigrate or marginalize one group over  
13 another on the basis of race, gender, ethnicity, or sexual orientation. As a mother, I am very  
14 concerned about having my daughter and other people's children being subjected to a program  
15 which is one sided and hostile to one group over another.

16 14. In my experience, Santa Barbara is a very close knit community that has welcomed  
17 people of all races, colors and creeds. We should encourage harmony and good will among all  
18 ethnic groups on school campuses. The climate at the Santa Barbara School District, fostered by  
19 the toxic curriculum espoused by JCCC, is creating divisions and antagonistic tensions where they  
20 did not previously exist and is antithetical to the values that I believe the Santa Barbara community  
21 holds dear.

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

24 Executed this 4th day of September, 2019 at Santa Barbara, CA.

25  
26   
27 SHERIDAN ROSENBERG