



California Judge Refuses to Block School District's Anti-CRT, Pro-parent Policies

A California judge refused to enjoin a school district's policies banning most teaching of Critical Race Theory (CRT) and requiring teachers to inform parents of students' gender decisions while a lawsuit challenging the policies proceeds.

Represented by the left-wing public-interest law firm Public Counsel, a group of students, parents, and teachers sued the Temecula Valley Unified School District (TVUSD) over these policies in August and sought a preliminary injunction prohibiting the district from enforcing them.



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On Friday, Riverside County Superior Court Judge Eric Keen denied their request, [finding](#) their arguments unpersuasive and their "claims of harm ... unfounded."

The TVUSD school board, with newly elected conservative members, enacted a [resolution](#) in December 2022 that prohibited the teaching of certain "elements of" and "doctrines derived from" CRT in its schools. Among the prohibited notions:

Racism is ordinary, the usual way society does business.

An individual, by virtue of his or her race or sex, is inherently racist and/or sexist, whether consciously or unconsciously.

An individual is inherently morally or otherwise superior to another individual because of race or sex.

An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past or present by other members of the same race or sex.

The plaintiffs, who apparently believe that people *should* be treated differently on the basis of race or sex, first claimed that the resolution was unconstitutionally vague. Plaintiffs' attorney Amanda Mangaser Savage "argued that the board's policy had already led to confusion among teachers about what they could discuss in class," reported the [Los Angeles Times](#).

Keen, however, looked at the highly specific resolution and concluded that it "is sufficiently definite to provide notice of the conduct proscribed and standards of application in that the Resolution specifically delineates what 'cannot be taught.'"

The plaintiffs further contended that the resolution violated the California constitution's free-speech clause by denying students access to information. According to the California constitution, school boards are only permitted to remove material from the curriculum if doing so is "reasonably related to legitimate educational concerns."



Written by [Michael Tennant](#) on February 28, 2024

“It does not appear to this Court that the Resolution seeks to deny access to information,” wrote Keen. “Rather the Resolution seeks to limit instruction on the subject of CRT to a subordinate role within a larger instructional framework.” In fact, it explicitly permits the teaching of CRT in social-sciences courses, “provided that such instruction plays only a subordinate role in the overall course and provided further that such instruction focuses on the flaws in” CRT.

Moreover, while prohibiting the teaching of certain theories based on CRT is “a legitimate pedagogical concern,” observed Keen, the prohibited theories “would seem to lack any legitimate pedagogical concern and would not be reasonably related to legitimate educational concerns.”

In addition, the California Education Code requires teachers “to impress upon the minds of the pupils the principles of morality, truth, justice, patriotism ... and the meaning of equality and human dignity, including the promotion of harmonious relations.” Teaching CRT, noted Keen, “would seem to be incongruous with the Legislature[']s clear intent.”

As to the plaintiffs’ assertion that the resolution would cause TVUSD’s academic program to lag behind those of the rest of the state, “Plaintiffs offer no analysis as to how the Resolution does this other than repeating vague, unsupported arguments,” penned the judge.

TVUSD also instituted a policy requiring staff to inform a student’s parents if, among other things, that student seeks to be identified as another gender or by another name or to use a facility or program restricted to the opposite sex. This, the plaintiffs maintained, discriminates against transgender and “gender non-conforming” students.

Keen disagreed, finding that “the Policy is gender-neutral and does not expressly single out transgender or gender non-conforming students.” A male student’s asking to be identified by another male name in class or in school records, as unlikely as such an event is, would trigger the same policy.

The plaintiffs’ most revealing admission, indicated in a footnote, was that they also wanted the court to block a subsection of the policy that “requires parental notification of student involvement in protests, acts of violence or any other substantial disruption in the classroom or campus” — but only “insofar as it applies to transgender or gender diverse students,” wrote Keen. Trans students, it seems, are entitled to do as they please at school, as far as the plaintiffs are concerned.

“This is a win for commonsense, parents, and the safety of students,” Robert Tyler, president of Advocates for Faith and Freedom, a nonprofit religious-liberty law firm representing TVUSD, said in a [statement](#). “TVUSD is committed to providing a quality education free from political agendas and free from dishonest and divisive curriculum. This ruling allows TVUSD to continue implementing these sound policies.”

Mangaser Savage, meanwhile, decried Keen’s decision, saying, “It’s really troubling to us that Temecula now is in the same bucket as jurisdictions like Texas and Florida, where politics” — by which she means *other people’s* politics — “is really driving what students have access to in public school classrooms.” She also vowed to appeal the ruling.

TVUSD school-board President Joseph Komrosky, however, remains hopeful.

“Despite the small but vocal opponents that seek to rewrite history and indoctrinate students, I am very optimistic for our school district,” he said. “Our district remains focused on providing a holistic education for all of our students, free from both discrimination and indoctrination.”



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