EXECUTIVE SUMMARY OF

INVESTIGATIVE FINDINGS

Spreckels Union School District
Report Concerning Two Teachers from Buena Vista Middle School
July 7, 2022
I. Brief Introduction

On December 9, 2021, Van Dermyden Makus Law Corporation commenced an independent investigation for Spreckels Union School District (the District). The District initiated this investigation in response to numerous complaints against two teachers at Buena Vista Middle School (Respondent 1 and Respondent 2, or “the two teachers”). The complaints followed a presentation the two teachers gave at a California Teachers Association (CTA) conference on October 30, 2021. Their presentation was entitled, “How We Run a GSA [Gay Straight Alliance] in Conservative Communities.” During the presentation, they discussed an on-campus club they formed in 2015 called the “Everyone for Equality” club, and later renamed the “You Be You” (UBU) club. During the presentation, they made numerous comments that formed the basis for the complaints against them.

The District asked us to determine whether the two teachers engaged in any deceptive conduct as to the UBU club’s function; and, whether they engaged in any inappropriate activity involving students and the UBU club. We reviewed over 1,600 pages of documents, and interviewed 21 witnesses, including school administrators, teachers, and current and former students.¹

II. Summary Of Findings

In reaching our findings, we utilized credibility factors including direct or indirect corroborating evidence, lack of corroborating evidence, motivations of parties and witnesses, plausibility of events, consistent and inconsistent evidence, material omissions, proximity in time, and articulated rationale for actions or decisions.

We reach our findings using a preponderance of the evidence standard. “Preponderance of the evidence” means the evidence on one side outweighs, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard.

Importantly, the District and its representatives allowed us discretion to conduct this review as we determined to be necessary. The District gave us complete access to all requested witnesses and documents. No person interfered with, or attempted to influence, our findings.

We now answer the following six questions.

1. Did the two teachers make comments during their October 30, 2021 presentation that implied they were deceptive about the UBU club’s purpose or activities?

Yes. We find during the two teachers’ October 30, 2021 presentation entitled, “How We Run a GSA in Conservative Communities,” they each made comments that were reasonably and understandably interpreted to mean the two were being deceptive regarding the UBU club’s purpose and activities. Both teachers made comments that were admittedly inaccurate representations of the UBU club and the club’s activities. Their comments were harmful and disruptive.

¹ The attorney for one former student advised us that the former student declined to be interviewed.
2. Did the two teachers deceive administration or parents about the UBU club’s purpose or activities?

**No.** We note this was a more difficult call. However, based on a thorough review of the evidence, we find that despite the two teachers’ harmful comments during the October 30, 2021 presentation, they did not engage in any actual deceptive conduct with regard to the UBU club’s purpose and activities. Rather, their comments during the presentation were not reliable evidence of their actual conduct.

3. Did the two teachers “stalk” students by monitoring internet activity for UBU club recruitment?

**No.** We find that while Respondent 1 and Respondent 2 generated a total of 30 student internet activity reports in GoGuardian from November 12, 2015 to March 29, 2019, they did not use the reports for club recruitment. The two teachers did plan to invite one student to the club after they noticed the student click on an LGBTQIA+-related link in class on approximately March 31, 2020. However, they ultimately did not invite that student to the club.

4. Did the two teachers “target” students who might be interested in LGBTQIA+ subject matter and “coach” them on changing their gender identities?

**No.** We find the two teachers invited at least three students to the UBU club after the students expressed an interest in LGBTQIA+ subject matter. However, neither Respondent 1 nor Respondent 2 “coached” any students on changing their gender identities.

5. Did the two teachers place inappropriate LGBTQIA+ content into the school’s morning announcements?

**No.** We find the two teachers did not purposely place, or influence any students to place, inappropriate LGBTQIA+ content into the school’s morning announcements.

6. Did the two teachers play “mind tricks” on students to avoid parent complaints?

**No.** We find the two teachers did not play any “mind tricks” on students or use any other tactics to avoid parent complaints about their annual anti-bullying presentation.

This concludes the investigation.

Respectfully Submitted,

[Signature]

Erich Knorr

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2 GoGuardian is a classroom management program used by faculty. It allows teachers to see students’ computer screens during class time. It also allows teachers to generate reports summarizing students’ internet activity during class time.