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County of San Francisco

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CLERK OF THE COURT

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

10 ABRAHAM LINCOLN HIGH SCHOOL OF
11 SAN FRANCISCO ALUMNI
ASSOCIATION; SAN FRANCISCO
12 TAXPAYERS ASSOCIATION; GEORGE
WASHINGTON HIGH SCHOOL ALUMNI
13 ASSOCIATION; JOHN BURTON; KAREN
SHIGEZUMI SAKATA,

14
15
16 Petitioners.

17 v.
18 SAN FRANCISCO BOARD OF
EDUCATION; SAN FRANCISCO UNIFIED
19 SCHOOL DISTRICT; VINCENT
MATTHEWS in his official capacity as San
20 Francisco Superintendent of Schools,

21 Respondents.
22
23

24 Petitioners Abraham Lincoln High School of San Francisco Alumni Association, San
25 Francisco Taxpayers Association, George Washington High School Alumni Association, John
26 Burton and Karen Shigezumi Sakata (collectively, "Petitioners") bring this action against
27 Respondents San Francisco Board of Education ("Board"), San Francisco Unified School District
28

Case No. **DPF-21-517410**

**VERIFIED PETITION FOR WRIT OF
MANDATE (CCP § 1085
(ALTERNATIVELY § 1094.5); RALPH M.
BROWN ACT, GOV'T CODE §§ 54950, et
seq.); AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF (CCP § 526(A); U.S.
CONSTITUTION:
FIRST & FOURTEENTH AMENDMENT;
CALIFORNIA CONSTITUTION:
ARTICLE I, §§ 1, 2(a) & 7)**

Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief

1 (“SFUSD” or "District"), and Vincent Matthews in his official capacity as San Francisco
2 Superintendent of Schools (collectively, "Respondents"), alleging as follows:

3 **INTRODUCTION**

4 1. On January 26, 2021, the San Francisco Board of Education (hereinafter “the Board”)
5 passed Resolution 211-12A1 (“the Renaming Resolution”), declaring that 44 public schools in
6 San Francisco would be renamed, based on allegations of racism, sexism or other forms of
7 oppression by the historical figures after whom the schools had been named. *See* Declaration of
8 Lope Yap, Jr. in Support of Verified Petition for Writ of Mandate and Complaint for Declaratory
9 and Injunctive Relief (“Yap Decl.”) at ¶¶ 18-19, 21, Ex. 14.

10 2. As has now been publicly acknowledged, however, the process followed by the Board in
11 arriving at this resolution was badly flawed. Just a few of the numerous procedural and
12 substantive errors include the following.

13 3. The Board adopted a resolution authorizing an advisory committee dubbed “The School
14 Names Committee” (hereinafter “the Committee” or “the advisory committee”) to investigate the
15 possibility of renaming San Francisco public schools. Yap Decl. at ¶ 4, Ex. 2. The resolution
16 represented that this “blue ribbon” panel would be independent, have expertise suitable to the
17 task and would not act without authority. *Id.* In reality, the Committee was headed by Jeremiah
18 Jeffries, who served as Board Commissioner Mark Sanchez’s campaign manager, *id.* at ¶ 37, Ex.
19 32, and who also enlisted Board President Lopez to run for her position. *Id.* at ¶ 38, Ex. 33. The
20 Committee did not include any individuals, like historians, with the necessary expertise, *id.* at ¶
21 5(a), and it acted beyond its authority by directing schools to start looking at new names before
any decision had been made by the Board to rename them.

22 4. The process employed by the Committee also muted the voice of key citizens and
23 taxpayers, including alumni of the affected schools, notwithstanding the fact that alumni
24 represented the largest affected community. The Committee was aware that the alumni at many
25 schools were generally opposed to the Committee’s plans to change their schools’ names. Yap
26 Decl. at ¶ 10. Nonetheless, in soliciting the views of school communities, the Committee only
27 directed site leaders (e.g., principals) to reach out and gather input from four specific groups –
28 youth, school site councils, parent affinity groups, and site staff. *Id.* at ¶ 17, Ex 12. Alumni and

1 parent teacher associations were not listed as groups whose views should be solicited. *Id.*
2 Moreover, the views solicited were only as to potential new names and not as to whether the
3 current names should be retained. *Id.*

4 5. In July 2020, more than six months prior to the Board voting on its January 26, 2021
5 Renaming Resolution, Mr. Jeffries was already making public statements that any schools with
6 names on his Committee’s list “could pretty much count on those names coming down.” Yap
7 Decl. at ¶ 9, Ex. 5.

8 6. In October 2020, again well prior to the Board’s public consideration of the Renaming
9 Resolution, the Committee and SFUSD personnel began informing site leaders at schools on the
10 Committee’s list that their names conflicted with SFUSD values and they should begin work on
11 developing a new name by the next month. Yap Decl. ¶ 15, Ex. 10.

12 7. At the Board’s November 10, 2020 meeting, Mr. Jeffries and another Committee member
13 briefed the Board on the work of the Committee. Yap Decl. at ¶ 8. In that meeting, no mention
14 was made by Committee members of the generally adverse views of alumni from the affected
15 schools. *Id.*

16 8. On January 26, 2021, the Board passed the Renaming Resolution that is the subject of this
17 petition. Yap Decl. at ¶ 18-19, 21, Exs. 14-16. The notice provided by the Board for its January
18 26, 2021 vote, however, was inadequate and misleading. *Id.* at ¶¶ 18-19, Exs. 13 & 14. The
19 agenda item associated with the renaming issue gave no indication that the Board was going to
20 make a final decision to rename 44 San Francisco public schools in a single vote at the meeting.
21 *Id.* Indeed, the draft resolution attached to the agenda item spoke only of sanctioning a list for
22 “potential renaming.” *Id.* It was only toward the end of the meeting, and in a press release
23 following the meeting, that the public was informed that the true import of the resolution was to
24 make a final determination that 44 schools would be renamed with only alternative new names to
25 be considered later. *Id.* at ¶¶ 20(f) & 22, Ex. 17.

26 9. The unsurprising results of this process were numerous substantive errors, public outcry,
27 and notice by counsel for Petitioners that the Board had violated the Ralph M. Brown Act, Gov’t
28 Code §§ 54950, *et seq.* (hereinafter “the Brown Act”), and Due Process. Yap Decl. at ¶¶ 23-29,
Exs. 18-25.

1 10. After multiple weeks of persistent public pressure and a formal demand of repeal by
2 counsel for Petitioners, the Board President wrote an op-ed on February 21, 2021 in the San
3 Francisco Chronicle, admitting that “mistakes were made” and announcing that the activities of
4 the Committee would be paused until children returned to school. Yap Decl. at ¶ 30, Ex. 26.

5 11. But comments in a newspaper are plainly not legally binding on the Board.
6 Notwithstanding the procedural and substantive errors underlying it, the Renaming Resolution
7 presently remains in force.

8 12. In a February 25, 2021 letter, counsel for Petitioners explained these facts to the Board,
9 explained the statutory time constraints on Petitioners to file suit for violations of the Brown Act,
10 and exhorted the Board to comply with the law and simply repeal its unlawful Renaming
11 Resolution, so as to avoid the time and expense of litigation for all concerned. Yap Decl. at ¶ 31,
12 Ex. 27. But the Board declined to respond.

13 **JURISDICTION AND VENUE**

14 13. Pursuant to California Code of Civil Procedure sections 526, 527, 1085 (alternatively
15 section 1094.5), and 1087, and Government Code sections 54960, and 54960.1, this Court has
16 jurisdiction to issue an alternative writ of mandate, a peremptory writ, and the declaratory relief
17 requested herein.

18 14. Venue is proper in San Francisco Superior Court, because the parties are conducting
19 business, and the acts complained of herein, took place, in the City and County of San Francisco.

20 15. Petitioners have complied with the requirements of Government Code section 54960.1 by
21 delivering a letter to the Board on February 1, 2021 outlining its Brown Act violations, and
22 delivering an additional letter on February 6, 2021 demanding that the Board cure or correct its
23 Brown Act violations.

24 16. The Board has not responded to date.

25 17. Petitioners have performed any and all conditions precedent to filing this instant action
26 and have exhausted any and all available administrative remedies to the extent required by law.

27 18. Petitioners have no plain, speedy, or adequate remedy in the ordinary course of law,
28 unless this Court grants the requested writ of mandate to require Respondents to set aside the
Board’s actions taken in violation of the Brown Act, Due Process, and the Board’s ministerial

1 duties. In the absence of such remedy, the Board’s Renaming Resolution, which calls for the
2 elimination of 44 school names, will remain in effect in violation of law.

3 **PARTIES**

4 19. Petitioner Abraham Lincoln High School Alumni Association of San Francisco is a
5 registered Section 501(c)(3) non-profit corporation organized and existing under the laws of the
6 State of California, and dedicated to connecting the graduates of Abraham Lincoln High School
7 with each other and with the current “Mustang” Family. The alumni association raises funds
8 through events and donations to support the school in a variety of different ways, including, but
9 not limited to scholarships and teacher grants.

10 20. Petitioner San Francisco Taxpayers Association is a nonprofit Section 501(c)(4)
11 corporation organized and existing under the laws of the State of California and dedicated to
12 representing the interests of San Francisco taxpayers.

13 21. Petitioner George Washington High School Alumni Association of San Francisco is a
14 registered Section 501(c)(3) non-profit corporation organized and existing under the laws of the
15 State of California. The alumni association raises donations to support the school in a variety of
16 different ways, including, but not limited to scholarships and awards for students.

17 22. Petitioner John Burton is a former Democratic Congressman, California State Senator,
18 and California State Assemblyman, who graduated from Abraham Lincoln High School and
19 resides in San Francisco.

20 23. Petitioner Karen Shigezumi Sakata is a former County Superintendent of Schools for
21 Contra Costa County Office of Education who graduated from George Washington High School
22 and also attended McKinley Elementary and Presidio Middle School.

23 24. Respondent San Francisco Board of Education is the governing board of the San
24 Francisco Unified School District. The Board determines policy for all public schools in the San
25 Francisco Unified School District.

26 25. San Francisco Unified School District (“SFUSD” or “District”) is a local education
27 agency in San Francisco, organized and existing under the Constitution and laws of the State of
28 California. It is not a department or agency of the City and County of San Francisco.

26. Respondent Vincent Matthews is the Superintendent of SFUSD. Mr. Matthews is sued

1 only in his official capacity.

2 **FACTUAL ALLEGATIONS**

3 27. On or about April 24, 2018, the Board revised its Board Policy 7310 regarding the
4 naming of SFUSD facilities to include language allowing the Board, “where appropriate” to
5 “appoint a citizen advisory committee to review name suggestions for one or more schools and
6 submit recommendations for the Board's consideration.” See Declaration of Lope Yap, Jr. in
7 Support of Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive
8 Relief (“Yap Decl.”) at ¶ 3, Ex. 1.

9 28. On May 22, 2018, the Board passed Resolution No. 184-10A1, proposed by
10 Commissioner Mark Sanchez, which declared in pertinent part as follows:

11 That the San Francisco Board of Education finds it necessary to engage the larger San
12 Francisco community in a sustained discussion regarding public school names, their
13 relevance, and the appropriateness of schools named for historical figures who engaged
14 in the subjugation and enslavement of human beings; or who oppressed women,
15 inhibiting societal progress; or whose actions led to genocide; or who otherwise
16 significantly diminished the opportunities of those amongst us to the right to life, liberty,
17 and the pursuit of happiness; and . . .

18 That said process shall be led by a blue-ribbon panel,* whose membership shall be
19 established by the Superintendent of Schools and ratified by the San Francisco Board of
20 Education no later than the beginning of the 2018-19 school year; and . . .

21
22 That said blue-ribbon panel shall offer findings and recommendations, through the
23 Superintendent of Schools to the San Francisco Board of Education regarding the
24 potential renaming of SFUSD schools as soon as June, 2019, but no later than June, 2020,
25 at which time the advising panel shall be dissolved . . .

26 Yap Decl. at ¶ 4, Ex. 2.
27
28

1 29. In addition to setting forth the duties of the proposed Committee, Resolution No. 184-
2 10A1 also indicated that the “blue-ribbon” panel would be independent, include individuals with
3 relevant expertise, and act within its authority. *See* Ex. 2, Resolution 184-10A1 (“*A blue-
4 ribbon panel is a group of exceptional people appointed to investigate, study or analyze a given
5 question. Blue-ribbon panels generally have a degree of independence from political influence or
6 other authority, and such panels usually have no direct authority of their own. Their value comes
7 from their ability to use their expertise to issue findings or recommendations which can then be
8 used by those with decision-making power to act.”).

9 30. The Committee selected by the Superintendent first met on January 30, 2020 with
10 Commissioner Sanchez in attendance. Between January 30, 2020 and February 10, 2021, the
11 Committee met to discuss the subject of renaming San Francisco public schools.

12 31. Notwithstanding the resolution’s reference to the promised independence of the
13 Committee, most of the meetings were facilitated by Committee member Jeremiah Jeffries, who
14 was a long-time ally of Commissioner Sanchez and was Sanchez’s campaign manager when he
15 ran for his office on the Board. *Yap Decl.* at ¶ 37, Ex. 32.

16 32. Mr. Jeffries has generally been active in recent years in advocating for candidates to be
17 elected to the Board, including Board President Gabriela Lopez, whom he specifically recruited
18 to run. *Yap Decl.* at ¶ 38, Ex. 33.

19 33. Moreover, despite the language in resolution 184-10A1 indicating that the Committee
20 would have “exceptional people” with relevant “expertise,” no historians with relevant expertise
21 were included on the Committee.

22 34. When the topic of using historians was raised at a Committee meeting in August 2020,
23 Mr. Jeffries commented as follows: “What would be the point? The history is pretty written and
24 documented, pretty well across the board. So, to belabor, we don’t need to belabor history in that
25 regard. We’re not debating that. And like there’s no point in debating history in that regard.
26 Either it happened or it didn’t, as historians have referenced it in their own histories, right? So, I
27 don’t think there’s a discussion about that. And so, based on our criteria, it’s a very
28 straightforward conversation. And so, no need to bring historians forward to say – they either

1 pontificate and list a bunch of reasons why, or [say] they had great qualities. Neither are
2 necessary in this discussion.” Yap Decl. at ¶¶ 5, 5(a).

3 35. From January to September 2020, the Committee discussed renaming San Francisco
4 public schools. The Committee developed the following criteria by which to determine whether
5 schools should be renamed:

6 For identifying school names to be changed, the committee will use any of the following
7 criteria and seek to change the names of schools that are named for:

- 8 • Those connected to any human rights or environmental abuses
- 9 • Those who exploit workers/people
- 10 • Those who directly oppressed or abused women, children, queer or transgender people
- 11 • Those who are known racists and/or white supremacists and/or espoused racist beliefs
- 12 • Anyone directly involved in the colonization of people
- 13 • Slave owners or participants in enslavement
- 14 • Perpetuators of genocide or slavery

14 Yap Decl. at ¶ 14, Ex. 9.

15 36. The primary work-product of the Committee consisted of a spreadsheet reflecting its
16 conclusions regarding whether particular schools should be renamed. Yap Decl. ¶ 6, Ex. 3.

17 37. Internal correspondence between SFUSD Superintendent Matthews and Commissioner
18 Rachel Norton indicate that the spreadsheet was “created by a (sic) 2-3 members (less than
19 majority)” of the Committee. Yap Decl. ¶ 7, Ex. 4. Mr. Jeffries later acknowledged that
20 teachers from an organization he co-founded, Teachers 4 Social Justice, contributed to the
21 research that formed the basis for the spreadsheet. *Id.* at ¶ 8(a).

22 38. In or around July 26, 2020, a draft copy of the spreadsheet was made public by a report in
23 the San Francisco Chronicle. On or about the same date, Mr. Jeffries was quoted as saying, “If
24 they fit the criteria, they will be on the list . . . And if they fit the criteria, people can pretty much
25 count on those names coming down and being replaced by someone who meets San Francisco
26 values.” Yap Decl. at ¶ 9, Ex. 5.

27 39. At its September 23, 2020 meeting, the Committee arrived at its final list of 44 school
28 names for potential renaming. Yap Decl. at ¶¶ 11-13, Exs. 7 & 8. As noted above, per

1 Resolution 184-10A1, the Committee was authorized only to present to the Board its “findings
2 and recommendations” with regard to “potential renaming” of schools.

3 40. At the same meeting, the Committee also approved a draft letter, to be sent to the SFUSD
4 schools on its list. Yap Decl. at ¶¶ 11, 14, Exs. 6 & 9. This letter exceeded the authority the
5 Committee had been given by the Board.

6 41. The letter sent by the Committee stated, *inter alia*, the following: “The research of the
7 committee revealed that your current school name has met one or more of these criteria and so
8 your school name is being recommended to be changed. We understand that this may bring up
9 strong feelings for some in your school community; however, the Board of Education has
10 committed to this process and for the School Names Committee to recommend an alternative
11 name for your school. To facilitate the selection of an alternative name we are asking your
12 school community to participate in the process to select a new name.” Yap Decl., ¶ 14, Ex. 9.

13 42. The letter from the Committee thus only solicited new names, not any views as to
14 whether the original name should remain.

15 43. On October 6, 2020, SFUSD’s Director of Policy and Planning Mr. Armentrout sent an
16 email to the principals of the 44 schools, attaching the letter, and advising them, based on the
17 findings of the Committee, that their schools had been identified as having names that
18 “conflicted with SFUSD values” and that they should try to generate an alternative name for
19 their school by the following month. Yap Decl. ¶ 15, Ex. 10.

20 44. On October 23, 2020, Mr. Armentrout wrote another email to the 44 schools, reversing
21 course and stating “I apologize if my emails implied that we were issuing a directive to you as
22 site leader. My intent was to forward and clarify an invitation from an independent citizen’s
23 advisory committee; it did not represent a directive from staff, district leadership or from the
24 Board of Education.” Yap Decl. ¶ 16, Ex. 11.

25 45. On November 20, 2020, however, Mr. Armentrout then reversed himself again, sending
26 yet another email announcing a “significant shift” from what he had communicated in his late
27 October email. He reported that several Board commissioners had “expressed their desire to see
28 school leaders take the following actions, if they haven’t already done so

1. Inform and update their respective communities about the work of the panel and that

1 their school has been recommended.

2 2. Reach out to stakeholders to request and identify alternative names as the panel
3 requested.

4 3. Update the Board of Education on their progress.”

5
6 46. Based on the foregoing, he wrote, “we ask each of you to take the following steps:

7 1. Please notify your school community (staff, families, students) of the panel’s work,
8 their recommendation for your site and how your site will respond.

9 2. Invite the four stakeholder groups (Youth, SSC, Parent Affinity Groups, School Staff)
10 to suggest alternative names. Please reference this initial letter sent on October 6th for
11 guidance.

12 3. Provide an update using this Google Form survey by December 4th. Responses will be
13 summarized in a report for the Board of Education.

14 Yap Decl. ¶ 17, Ex. 12.

15 47. Throughout this correspondence from the Committee and subsequently from SFUSD, the
16 views of alumni and parent teacher associations (other than those in SSC or belonging to affinity
17 groups) were notably not included on the list of “principal stakeholders” that should be consulted
18 by site leaders for their views as part of the formal process. They were left to submit comments
19 along with the rest of the general public should they happen to learn about the proposed
20 renaming.

21 48. By definition, alumni manifestly represent by far the greatest number of people with a
22 direct interest in the name of a school that they attended. School names take on important
23 meaning for alumni beyond the particular person after whom the schools were named. They
24 carry with them academic and athletic reputations, good will, and intangible sentimental value.

25 49. Alumni and alumni associations, including the alumni associations included as
26 Petitioners in this case, also have financial interests in the names of their schools, based on their
27 value in finding employment, the investments graduates have made into the school and its
28

1 students, as well as their expenditures on items like websites, newsletters, clothing, and other
2 paraphernalia bearing the names of their school

3 50. The omission of alumni from the list of parties to be consulted by school site leaders is
4 particularly significant here, because, as observed by one of the Committee members at their
5 September 23, 2020 meeting, alumni were generally expressing opposition to changing the
6 names of their schools.

7 “Okay. So, I read the letters, and there are a couple suggestions in there. There was also a
8 couple questions about the process. I think this gives a defined process. The majority of the
9 letters, especially the ones that were received as of yesterday, they don't want a change. And
10 that's mainly the alumni voices from Balboa, Washington spoke once at our first meeting,
11 we've heard briefly from some folks at Lowell, and then primarily recently from Lincoln.
12 They don't want any change.”

13 Yap Decl. ¶ 10.

14 51. At a November 10, 2020 Board meeting, Mr. Jeffries and others from the Committee
15 updated the Board on the work of the Committee. Yap Decl. ¶ 8.

16 52. At no point in that presentation did Mr. Jeffries or those presenting on behalf of the
17 Committee inform the Board as to the generally negative sentiment of alumni associations
18 regarding renaming, which was known to the Committee to be adverse to their objectives. *Id.*

19 53. During the same meeting, an elementary school teacher noted that site leaders were
20 objecting to the renaming process because it was being undertaken in the midst of the pandemic
21 where other, urgent matters had priority. Yap Decl. ¶ 8(b). Mr. Jeffries' response to this concern
22 was that this was the “perfect time” to change the schools' names. *Id.* at ¶ 8(c).

23 54. Later in the same meeting, a now former Board member asked what would happen if site
24 leaders declined to provide an alternate name for their school. Yap Decl. ¶ 8(d). After some
25 back and forth, Mr. Jeffries ultimately responded that the Committee would then simply submit
26 its own recommendation of an alternative name for the school. *Id.*

27 55. The SFUSD subsequently posted the following item on the Board's agenda for January
28 26, 2021:

1 PROPOSALS FOR ACTION

2 1. Resolution No. 211-12A1 - Amendment to Resolution No. 184-10A1, In Support of a
3 Formal Process in the Renaming of San Francisco Unified School District Schools
4 (adopted May 22, 2018) - Commissioner Mark Sanchez

5 Yap Decl. ¶ 18, Ex. 13.

6
7 Linked to this agenda item was the List of Schools Recommended for Renaming as well as a
8 draft of the resolution (i.e., the amendment to Resolution No. 184-10A1) that was to be
9 considered by the Board at the January meeting. Yap Decl. ¶ 19, Exs. 14 & 15. The List of
10 Schools included, *inter alia*, Abraham Lincoln High School, George Washington High School,
11 McKinley Elementary, and Presidio Middle School.

12 56. The proposed action item in the resolution was “That the Board of Education review and
13 sanction the panel’s list of school names for potential renaming.” Yap Decl. ¶ 19, Ex. 14.

14 57. On January 26, 2021, the Board held its meeting, and Resolution No. 211-12A1 was
15 passed as written. Yap Decl. ¶¶ 20, 21, 21(b), Ex. 16.

16 58. Notwithstanding the ostensibly narrow scope of the resolution (i.e., to agree on a list of
17 schools for “potential” renaming), SFUSD issued a press release on January 27, 2021 that
18 included the following statements describing the import of the resolution in materially different
19 terms: “The resolution . . . serves as the Board’s commitment to replace the names. . . Schools
20 with names that the Board wants to see replaced will have the opportunity to continue engaging
21 their communities and propose alternate names to the Board.” Yap Decl. ¶ 22, Ex. 17

22 59. Thus, while the language of the resolution indicated that the Board was going to consider
23 approving a list of school names for *potential* renaming, SFUSD’s press release went further and
24 stated that the decision had been made to rename the schools on the list and only alternate names
25 would be considered going forward. Commissioner Sanchez also clarified at the meeting prior to
26 the vote that if the Board passed the resolution, then the 44 school names “will be changed.”

27 60. The inadequate nature of the notice for the January 26, 2021 hearing was confirmed by
28 belated comments at the hearing by Commissioner Sanchez, who drafted the resolution but still
felt it necessary near the end of the hearing to clarify what was meant by his resolution: “Just

1 next steps, so the ... this this resolution means that all the schools that are on the list will . . .
2 their names will be changed. So we just want to be really clear with our communities that that's
3 going to happen once ... if this resolution should pass today.” Yap Decl. ¶ 20(f).

4 61. Not surprisingly, with this inadequate and erroneous notice, there were a limited number
5 of speakers in opposition to the Board’s resolution renaming 44 schools. Only 14 speakers were
6 listed in the minutes as giving public comment against the resolution. Yap Decl. ¶ 21, 21(a), Ex.
7 16. Far more members of the general public would have appeared to speak against the
8 resolution, including members of the organizations identified as Petitioners in this matter, had
9 the agenda provided adequate notice and not been misleading as to what could potentially occur
10 at the meeting. The Petitioners alone could have alerted thousands of members to the
11 significance of the meeting and the need to provide public comment.

12 62. Each side was only given 30 minutes to speak, meaning opponents to the resolution were
13 given less than a minute per school on the list. Yap Decl. ¶ 20(a). Those speaking against the
14 resolution did not even use up the full time, though, as their numbers, by reason of lack of notice,
15 were significantly reduced. *Id.*

16 A Sample of the Substantive Errors Identified to Date

17 63. After the Board passed resolution 211-12A1, numerous errors were identified in the
18 factual assertions set forth in the spreadsheet upon which the Committee’s recommendations
19 were based. *See generally*, Yap Decl. ¶ 23(a)-(c), Exs. 18-20.

20 64. Lowell High School is the fifth ranked high school for academics in the State of
21 California and has over 2800 students. James Russell Lowell, after whom the school was named,
22 was included on the Committee’s list based on the claim that “he did not want Black people to
23 vote.” Yap Decl. at ¶¶20(e), 6(d), Ex. 3. A published biography by a reputable historian,
24 however, states he “unequivocally advocated giving the ballot to the recently freed slaves.” *Id.*
25 at ¶ 24, Ex. 21.

26 65. James Lick Middle School has 470 students in Noe Valley. The school’s name was
27 included on the list due to an alleged association between Lick and the Early Days Sculpture,
28 which showed a prostrate Native American below a missionary and vaquero, *Id.* at ¶ 6(a) Ex. 3,
but historical records indicate Lick died 18 years prior to the sculpture’s completion. The Board

1 was informed during public comment on Resolution 211-12A1 that Lick was deceased before the
2 sculpture at issue was created, but there was no follow-up and he remained on the list. *Id.* at ¶
3 20(b), Ex. 15.

4 66. The Paul Revere School is a K-8 located in Bernal Heights. Per the Committee’s
5 spreadsheet, it was included due to Revere’s alleged involvement in the “colonization of the
6 Penobscot,” but this was evidently due to the Committee misinterpreting his involvement with a
7 battle against the British commonly referred to as the Penobscot Expedition. Yap Decl. at ¶ 6(b),
8 Ex. 3. Even the Committee’s own spreadsheet noted that “The Penobscot Expedition of 1779
9 was Americans against the British, not against the Indigenous,” but the school was nevertheless
10 included on the final list of schools to be renamed. *Id.*, ¶ 6(b), Ex. 3 & ¶ 19(b), Ex. 15.

11 67. Clarendon Elementary is an alternative elementary school with 560 students in Twin
12 Peaks. Clarendon was included on the list due to an alleged association with colonization. Yap
13 Decl. at ¶ 6 (c), Ex. 3. The Committee alleged that Clarendon Avenue is named after a county in
14 South Carolina. *Id.* In fact, the history of the street name was researched by the District in 1961
15 when the school name was being decided, and no clear link was found to the Earl of Clarendon.
16 *Id.* at ¶¶ 26-27, Exs. 22 & 23. Nonetheless, the Committee assumed that because the school is
17 named after the street, and the South Carolina county is named after the 1st Earl of Clarendon,
18 that the school must be named after the Earl of Clarendon. Yap Decl. at ¶ 25(b). After reaching
19 this conclusion, the committee thereafter cited the Wikipedia page about the Earl of Clarendon
20 which describes him sending prisoners to Jersey. *Id.* They evidently believed that "Jersey"
21 refers to the colony of New Jersey in the United States rather than the island of Jersey off the
22 coast of England. *Id.* Based on this flawed chain of logic, they concluded that the school had
23 been named after an individual involved with colonization and should thus be renamed. *Id.*

24 Unequal Application of Criteria

25 68. While any conduct of certain historical figures at odds with the Committee’s criteria was
26 deemed a sufficient basis for removal of their name without regard to the virtuous aspects of
27 their lives, other historical figures were not held to the same standard. For example, during part
28 of his life, Malcolm X advanced views that the Black race was superior to the White race and
made anti-Semitic statements. Yap Decl. at ¶ 36, Ex. 31. As noted by the Committee, he also

1 worked in a profession oppressive to women in his younger years and was incarcerated for
2 criminal conduct. *Id.* at ¶ 25(a). Nonetheless, the Committee did not include Malcolm X
3 Academy on its list of school to be renamed, because of the evolution of Malcolm X’s views and
4 taking into consideration the entirety of his life. *Id.* This same sort of reasoning, however, was
5 not applied equally to other schools. If a historical figure contravened one of the Committee’s
6 criteria, there was no material examination into their virtues.

7 69. Petitioners are not suggesting that Malcolm X Academy should have its name changed.
8 Petitioners are simply pointing out that a fair evenhanded process must be followed, in order to
9 avoid arbitrary and capricious decisions. Moreover, despite the Committee’s unequal application
10 of criteria, the Board relied almost exclusively on the recommendations of the Committee in
11 making its decision. It rubber-stamped the Committee’s list of 44 schools at the January 26,
12 2021 hearing, asking only a few questions about one of the schools listed – Dianne Feinstein
13 Elementary School - before voting to rename all 44 schools. Yap. Decl. at ¶¶ 20(c), 21(b), Ex.
14 15.

14 Lack of Clarity About Cost

15 70. During the January 26, 2021 Board hearing, the question was posed as to the cost of
16 renaming 44 Schools. The Deputy Superintendent said, they “probably don’t have as much of a
17 precise estimate as they need to develop.” Yap Decl. at ¶ 20(d). He cited an estimate by another
18 SFUSD staff person of \$10,000 for a typical signage replacement budget but concluded by
19 saying that “I do think that we should just to shed a bit more light on this question dig a little bit
20 deeper and talk with some school leaders and anyone else who might have insights into this. I,
21 like you, have heard a lot of estimates that are significantly higher than that so would like to kind
22 of better understand where some of those estimates might be coming from, but that’s what I have
23 to share tonight.” *Id.*

24 Events Subsequent to the Renaming Resolution

25 71. The public reaction to the Board’s Renaming Resolution was overwhelmingly negative,
26 with members of the public doing their own research and discovering numerous substantive
27 errors, some of which are listed above.
28

1 72. On or about February 1, 2021, counsel for Petitioners sent a letter to the Mayor, with a
2 copy to the City Attorney, Board President Lopez and Commissioner Mark Sanchez, informing
3 them all that the Board had violated the Brown Act and Due Process in passing the Renaming
4 Resolution. Yap Decl. at ¶ 28, Ex. 24.

5 73. On or about February 6, 2021, counsel for Petitioners sent an official “demand” letter to
6 all the members of the Board and the Superintendent, asking them to repeal the Renaming
7 Resolution based on the points set forth in the February 1, 2021 letter, which was enclosed, and
8 also referring to the Board’s failure to follow its own Board Policy 7310, which sets forth
9 SFUSD procedures for naming schools. Yap Decl. at ¶ 29, Ex. 25.

10 74. After an extended period of defending the Board and Committee’s actions, the Board’s
11 President Lopez published an “Op-Ed” on February 21, 2021 in the San Francisco Chronicle,
12 acknowledging that “mistakes were made in the renaming process” and stating, *inter alia*, the
13 following: “We’re canceling renaming committee meetings for the time being. We will be
14 revising our plans to run a more deliberative process moving forward, which includes engaging
15 historians at nearby universities to help.” Yap Decl. at ¶ 30, Ex. 26.

16 75. After Ms. Lopez’s statement, the SFUSD also posted a notice on the webpage for the
17 Committee that stated:

18 Important Update Regarding the School Names Panel

19 On February 21st, SFUSD Board of Education President Gabriela Lopez released a
20 statement that activities related to school renaming - including meetings of the school
21 names advisory committee - will be paused until SF public schools have been reopened
22 for in-person learning.

23 Once in-person learning has resumed, the Board of Education and the advisory
24 committee will revisit this important discussion. When these efforts are revived, plans
25 will be made to engage in a more deliberative process, including seeking assistance from
26 historians at nearby universities.

27 Yap Decl. at ¶ 34, Ex. 29.

28 76. On February 25, 2021, counsel for Petitioners sent an additional letter to the Board,
explaining, *inter alia*, that Board President Lopez’s comments in the newspaper were not legally

1 binding on the Board. Yap Decl. at ¶ 31, Ex. 27. “If the resolution striking 44 school names is
2 not repealed by the School Board or nullified by a court, it will remain in place.” *Id.* The letter
3 then requested that the Board “[r]epeal Resolution No. 211-12A1 at your next meeting. It is
4 necessary to do this as the School District will otherwise remain officially committed to
5 renaming 44 schools based on a process you have now admitted was flawed.” *Id.*

6 77. The February 25, 2021 letter concluded as follows: “To be clear, we have no desire to be
7 litigating with the San Francisco School Board, but if you elect not to repeal your unlawful
8 resolution, then you will leave us with no alternative but to proceed with an action to have the
9 resolution declared null and void. . . . We are therefore hopeful that the School Board will avoid
10 further distractions and correct the problem it created then move forward.” Yap Decl. at ¶ 31,
11 Ex. 27.

12 78. The Board has not repealed its January 26, 2021 Renaming Resolution.

13 79. While the Board held a multi-hour discussion in closed session regarding counsel for the
14 Petitioners’ February 1, 2021 letter to the Board, the Board has failed and refused to respond to
15 counsel for the Petitioners’ February 1, 2021, February 6, 2021, or February 25, 2021 letters
16 articulating why the resolution was unlawful and requesting that it be repealed.

17 **FIRST CAUSE OF ACTION**

18 **(Writ of Mandate (CCP § 1085) - Violation of the Brown Act, Gov’t Code § 54954.2)**

19
20
21 80. Petitioners incorporate by reference the allegations contained in each paragraph above, as
22 if those allegations were fully set forth in this cause of action.

23 81. The purpose of the Brown Act is to encourage and ensure public participation in
24 government decision making.

25 82. In furtherance of its goal of public participation, the Brown Act requires that at least 72
26 hours before a regular meeting, a legislative body must post an agenda containing a brief
27 description of each item of business to be acted upon at the meeting. Gov’t Code § 54954.2. The
28

1 legislative body may not take any action on an item not appearing on the posted agenda, except
2 in certain situations not applicable here.

3 83. Respondents violated the Brown Act by failing to properly list in the agenda for the
4 January 26, 2021 meeting the actions to be taken at that meeting.

5 84. Specifically, the notice provided to San Francisco residents and other stakeholders by the
6 Board was inadequate and misleading, for it did not make clear that the purpose of the January
7 26, 2021 hearing was to make a final determination on whether the 44 school names would be
8 changed, let alone all at once.

9 85. The agenda stated cryptically that the proposed amendment was “In Support of a Formal
10 Process in the Renaming of San Francisco Unified School District Schools.” The draft
11 resolution attached to the agenda item only purported to resolve “That the Board of Education
12 review and sanction the panel’s list of school names for *potential* renaming.” (emphasis added).
13 Thus, none of the information made available to the public in advance of the hearing made it
14 evident that the Board’s actual plan was to make a final decision on the removal of 44 school
15 names in simply one vote. Indeed, the resolution attached to the agenda suggested exactly the
16 opposite.

17 86. Petitioners have a general, direct and beneficial interest in the issuance of a writ of
18 mandate, because their organizations, their individual members, and other taxpaying members of
19 the general public were denied the opportunity to prepare and provide meaningful comments to
20 the Board on January 26, 2021. In addition, Abraham Lincoln High School and George
21 Washington High School are included on the Committee’s list of schools to be renamed, and San
22 Francisco taxpayers would have to pay for the renaming of any schools on the Committee’s list.

23 87. Petitioners do not have a plain, speedy and adequate remedy at law. Petitioners’ only
24 legal means of redress is the relief being requested of this Court.

25 88. If the Court allows the Renaming Resolution to remain in force, Petitioners will be
26 irreparably harmed, because 44 public schools, including Lincoln and George Washington High
27 Schools, will remain on a list of schools to be renamed as a result of a hearing with inadequate
28 and misleading notice in violation of the Brown Act.

1 **SECOND CAUSE OF ACTION**

2 **(Writ of Mandate (CCP § 1085) -Violations of Ministerial Duties)**

3
4 89. Petitioners incorporate by reference the allegations contained in each paragraph above, as
5 if those allegations were fully set forth in this cause of action.

6 90. Respondents have a clear, present, and ministerial duty to comply with the law and their
7 own Board policies.

8 91. Respondents failed to comply with their duties under Board Policy 7310 by failing to
9 evenhandedly “encourage community participation in the process of selecting names,” including
10 the retention of existing names.

11 92. Respondents failed to comply with their duties under Board Policy 7310, by delegating to
12 an advisory committee the responsibility to determine whether school names should be removed,
13 when the policy only provided for such an advisory committee “to review name suggestions for
14 one or more schools and submit recommendations for the Board's consideration” but no more.

15 93. Respondents failed to comply with the terms of Resolution No. 184-10A1 by failing to
16 dissolve the Committee by June 2020 as required by that resolution and by permitting the
17 Committee to act on behalf of the Board without extending its tenure as an advisory committee
18 to the Board.

19 94. Respondents failed to comply with the terms of Resolution No. 184-10A1 by permitting
20 the Committee to advise site leaders that their school names conflicted with SFUSD values and
21 that they should begin selecting new names – all before the Board had held a hearing to decide
22 whether the schools on the Committee’s list would be renamed.

23 95. Respondents acted arbitrarily and capriciously in a biased process in passing Resolution
24 No. 211-12A1 without adequate evidence in support of the Resolution and for stated reasons
25 which were not factually true.

26 96. Accordingly, Respondents have breached and continue to breach their legal duties under
27 their own Board policies and resolutions governing their affairs.

28 97. Petitioners have a general, direct, and beneficial interest in ensuring that SFUSD and the
Board fulfill their legal obligations.

1 98. Petitioners do not have a plain, speedy and adequate remedy at law. Petitioners' only
2 legal means of redress is the relief being requested of this Court.

3 99. If the Court allows the Renaming Resolution to remain in force, Petitioners will be
4 irreparably harmed, because 44 public schools, including Lincoln and George Washington High
5 Schools, will remain on a list of schools to be renamed, and will be renamed, based on a process
6 that violated the Board's own policies and resolutions.

7 100. If the Court permits the Committee to remain in place, Petitioners will be irreparably
8 harmed, because any further inquiry into whether San Francisco schools should be renamed
9 would, in the first instance, be conducted by a body whose authority has expired and that lacks
10 independence and expertise and has a demonstrated history of acting beyond its scope of
11 authority.

12 **THIRD CAUSE OF ACTION**

13 **(DECLARATORY RELIEF — CCP § 526(a))**

14 101. Petitioners refer to and reallege all of the above paragraphs and by this reference
15 incorporate those paragraphs as though fully set forth at length.

16 102. An actual controversy exists between Petitioners and the Board as to whether the Board
17 should repeal Resolution 211-12A1. Petitioners have requested the Board to take such action,
18 but the Board has declined.

19 103. An actual controversy exists between Petitioners and the Board as to whether the Board
20 should dissolve the Committee. Petitioners have requested the Board to take such action, but the
21 Board has declined.

22 104. Petitioners request a judicial determination that Resolution No. 211-12A1 is null and
23 void and the Committee should be dissolved.

24 105. This determination is necessary and proper because the Board, is refusing to do what is
25 required by the Brown Act and the Board's own policies and resolutions.

26 **FOURTH CAUSE OF ACTION**

27 **Violations of Due Process (U.S. Const. 14th Amendment; Cal. Const. Art. 1, §1, 2(a), 7)**

28 106. Petitioners incorporate by reference the allegations contained in each paragraph above,
as if those allegations were fully set forth in this cause of action.

1 107. Respondents violated Petitioners’ rights under the Fourteenth Amendment of the U.S.
2 Constitution and under Article I, § 7 of the California Constitution (“Due Process rights”), by
3 taking arbitrary and capricious action to rename 44 schools in one vote without holding a
4 properly noticed public hearing regarding each school on an individual basis and permitting
5 adequate public comment by interested members of the general public regarding the potential
6 renaming of that particular school.

7 108. Respondents violated Petitioners’ Due Process rights by taking arbitrary and capricious
8 action to rename 44 schools in one vote based on an erroneous and biased fact gathering process
9 by the Committee.

10 109. Respondents violated Petitioners’ Due Process rights by proceeding with their vote on
11 the Renaming Resolution when, due to the pandemic, the general public was not permitted to
12 organize and prepare and appear in person to provide public comment on the renaming of 44
13 schools, when there was no urgent legally recognized need for the hearing to proceed under such
14 circumstances where robust debate would be limited, and where participation by interested
15 persons (e.g., lower income or elderly people) would also be limited due to their lack of access
16 to, or their of ability to use, the technology needed to attend the hearing.

17 110. Respondents violated Petitioners’ Due Process rights by providing advance notice only
18 of a proposed resolution that suggested the Board might “sanction the panel’s list of school
19 names for potential renaming” but then announcing late in the hearing and declaring after the
20 hearing in a press release that the resolution meant all 44 schools would be renamed.

21 111. Respondents violated Petitioners’ rights under the Fourteenth Amendment of the U.S.
22 Constitution and under Article I, § 7 of the California Constitution (“Due Process rights”), by
23 arbitrarily and without adequate justification injuring the liberty, property, and dignity interests
24 of students, teachers, former teachers, and alumni of the affected schools insofar as such alumni
25 and others associated with the schools in question, including the families of current and former
26 students of those schools, take pride in, benefit emotionally and financially from, and identify
27 personally with the historically established names of the schools from which they graduated or
28 are otherwise closely associated and with the public figures after whom they have long been
named; and by, in some instances, marring the public images of those figures and those who

1 identify with them through false, misleading, and defamatory accusations of racism,
2 colonization, genocide, slavery, and other human rights abuses as set forth in paragraphs 35 and
3 64–67 above.

4 112. Respondents violated Petitioners’ rights under the First and Fourteenth Amendments of
5 the U.S. Constitution and under Article I, §§ 1 & 2(a) of the California Constitution (“Freedom
6 of Speech and Association rights”), by arbitrarily and without adequate justification abridging
7 the expressive and associational interests of students, teachers, former teachers, and alumni of
8 the affected schools insofar as such alumni and others associated with the schools in question,
9 including the families of current and former students of those schools, express themselves
10 through, and associate and affiliate themselves with, the names of their alma mater.

11 Wherefore, Petitioners pray for judgment as follows:

- 12 1. For an Alternative Writ of Mandate to be issued under Code of Civil Procedure section
13 1085, *ex parte*, under the seal of this Court, ordering Respondents to repeal Resolution
14 No. 211-12A1 or show cause before the Court at a time and place hereafter to be
15 specified by the Court why they have not done so, and why a peremptory writ should not
16 issue.
- 17 2. On return of the alternative writ and hearing on the order to show cause, for a peremptory
18 writ of mandate to be issued under the seal of this Court ordering Respondents to repeal
19 Resolution No. 211-12A1.
- 20 3. For a declaration that Resolution No. 211-12A1, passed on January 26, 2021, is null and
21 void, due to the Board’s violations of the Brown Act, the First and Fourteenth
22 Amendments of the U.S. Constitutions, Article I, §§ 1, 2(a) and 7 of the California
23 Constitution, Board Policy 7310, and Board Resolution 184-10A1.
- 24 4. For an Alternative Writ of Mandate to be issued under Code of Civil Procedure section
25 1085, *ex parte*, under the seal of this Court, ordering Respondents to dissolve the
26 Committee, consistent with Board Resolution No. 184-10A1, or show cause before the
27
28

1 Court at a time and place hereafter to be specified by the Court why they have not done
2 so and why a peremptory writ should not issue.

3 5. On return of the alternative writ and hearing on the order to show cause, for a peremptory
4 writ of mandate to be issued under the seal of this Court ordering Respondents to dissolve
5 the Committee. The Board would remain free, of course, to appoint whatever new
6 committees it might choose that were consistent with the law and the Board's own
7 policies and resolutions.

8 6. For a stay, and preliminary and permanent injunctions, restraining the Board and its
9 agents, employees, officers, and representatives from undertaking any activity to
10 implement Resolution No. 211-12A1;

11 7. For costs of suit;

12 8. For attorneys' fees as authorized by Government Code section 54960.5 and Code of Civil
13 Procedure section 1021.5.

14 9. For such other and future relief as the Court deems just and proper.

15
16
17 Dated: March 17, 2021

18 Respectfully submitted,

19 LAW OFFICES OF PAUL D. SCOTT, P.C.

20 Paul D. Scott, Esq.

21 Lani Anne Remick, Esq.

22 By: 
Paul D. Scott, Esq.

23
24 By: 

25 Laurence H. Tribe, Esq.
26 Carl M. Loeb University Professor and
27 Professor of Constitutional Law Emeritus
28 Harvard Law School* (Of counsel)

*University affiliation noted for identification purposes only

Verified Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief

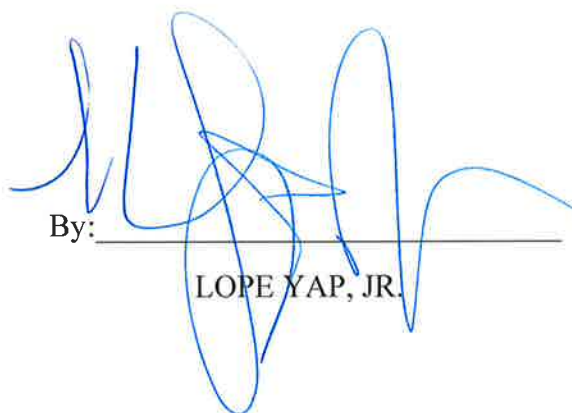
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VERIFICATION

I, Lope Yap, Jr., am a Vice-President of the George Washington High School Alumni Association, a plaintiff and Petitioner in the above-entitled action. I have read the foregoing Petition and Complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at San Francisco, California.

Dated: March 17, 2021

By: 
LOPE YAP, JR.